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Memo	Cyrus Vance to Pres. Carter, w/attachments 13 pp., re: Visa & Refugee functions <i>opened per RAC, NLC-126-13-11-1-4, 6/12/13</i>	6/10/78	A

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EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUN 13 1978

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: THE PRESIDENT

FROM: James T. McIntyre, Jr. *JTM*
Director

SUBJECT: Political Assessment - Law Enforcement,
Border Management, and Immigration Policy
Reorganization

After months of consultation and negotiation, the Congressional politics concerning this reorganization plan appear favorable. While each part of the plan (and associated administrative actions) has the potential for controversy, we believe on balance that a concerted and intensive effort after your decision will assure success.

In the remainder of this memorandum, we describe a summary analysis for the whole package and then discuss each part.

SUMMARY POLITICAL OVERVIEW

This is a substantial reorganization plan that affects highly protected jurisdictions. Because of this fact, all of our recommendations are in delicate balance and represent tradeoffs and compromises. While some parts of the plan have the potential for controversy, we believe that the substantive and symbolic values of improving the coordination of law enforcement and consolidating border management outweigh them. Further, through this reorganization plan, you can address a number of issues (e.g. drugs and aliens) through management improvement. Because the elements of this plan have neither a vocal nor overwhelming constituency or opposition yet, we have focused our analysis and strategy on the Congressional politics. While these plans will be handled by the Government Operations Committees, the views of the senior authorizing and Appropriation Committee members is especially important.

IMMIGRATION AND BORDER MANAGEMENT

In the House, both Chairmen Rodino and Steed support the plan. While Steed has always been positive, Rodino has only recently come aboard (in large measure due to the

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Attorney General's conversations with him and the part of the plan to have Justice and State co-ordinate visa issuance). In order to obtain Chairman Rodino's support it is essential that the visa role of INS be strengthened. Chairman Rodino is ceding a large amount of "turf" for the sake of better management. He cannot understand State's "turf" considerations over a much smaller area. Also, Rodino sees visa coordination as the practical signal that this Administration is seriously going to build a first class immigration service.

In the Senate, Kennedy will support most of the plan. He may oppose visa coordination for reasons given by the Secretary of State in expressing his Department's views. Chairman Ribicoff and Senators Percy, Nunn, Chiles and DeConcini should support the plan. Chairman Brooks, while not enthusiastic, will probably follow the lead of Rodino and support the plan.

AFGE (the INS union) and the visa employees union will oppose the INS transfers, while the National Treasury Employees Union will support them. The AFL-CIO's opposition will be dampened by the fact that this plan will better control undocumented workers and smuggled foreign goods, as well as by the propitious timing of this reorganization with the labor law reform bill. The position of the Hispanic community is uncertain, but discussions indicate support for a more service-oriented Immigration and Naturalization Service. Likely allies include the law enforcement community, border state officials, the tourist and travel industry, and international trade interests - although in each case we must re-confirm their general indications of support.

A chart showing the indications of support or opposition to the immigration and border portion of the plan is attached.

LAW ENFORCEMENT

This memorandum assumes postponement of any Presidential decision on the two recommendations which can be implemented by Executive Orders (the law enforcement co-ordinative unit and separation of NCIC and fingerprint identification). The Attorney General and I recommend that you do postpone those two decisions (decisions II(B) and II(C)).

The Congressional politics of the firearms and explosives transfer are favorable, with Rodino and Kennedy in strong support, and Steed willing to go along because of his interest in the border management proposal. The position

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of the National Rifle Association is uncertain, but could be volatile if they see this transfer as a pro-gun control move. The ACLU and other civil liberties groups seem persuaded to go along with this modest proposal, provided no FBI-related moves are taken as part of this plan. The law enforcement community should generally support this transfer.

TIMING

The political timing for this plan seems to be a high probability of "now or never". Although the election year timing is not ideal, it is rare to have the support of Justice, Treasury, FBI, and many key Congressional actors (e.g. Rodino, Steed, and Chiles) all in support of an organizational solution to a problem that has vexed each President since Roosevelt. It is unlikely we can maintain this alliance for another 8 or 9 months.

While there is a general reluctance in each of the Government Affairs Committees to consider any additional matters this year, strong interest in drug and border matters should motivate the Senate to consider it. In the House, Chairman Rodino's support should encourage Chairman Brooks to favorably consider the plan.

Attachment

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IMMIGRATION AND BORDER
MANAGEMENT

MEMBER	COMMITTEE	POSITION	SUPPORT	PROBABLY SUPPORT	UNDECIDED	OPPOSE
Senator James Eastland	Judiciary	Chairman		X		
Senator Edw. Kennedy (Staff only)	Judiciary	Majority Member			X	
Senator Dennis DeConcini	Judiciary	Majority Member		X		
Senator Abraham Ribicoff	Gov. Affairs	Chairman	X			
Senator Charles Percy	Gov. Affairs	Ranking Minority		X		
Senator Sam Nunn	Gov. Affairs	Majority Member	X			
Senator John Glenn (Staff Only)	Gov. Affairs	Majority Member		X		
Senator Lowell Weicker	Appropri- ations Subcom. on Jus- tice and also Treasury	Ranking Minority		X		

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BORDER MANAGEMENT

MEMBER	COMMITTEE	POSITION	SUPPORT	PROBABLE SUPPORT	UNDECIDED	OPPOSE
Cong. Benj. Rosenthal	Gov. Operations	Majority Member		X		
Cong. Don Fuqua	Gov. Operations	Majority Member		X		
Cong. John Erlenborn	Gov. Operations	Minority Member	X			
Cong. John Wydler	Gov. Operations	Minority Member			X	
Cong. Clarence Brown	Gov. Operations	Minority Member	X			
Cong. Tom Steed	Appropri- ations Subcom. on Treas.	Chairman	X			
Cong. Paul Rogers	Commerce Subcom. on Pub. Health, etc.	Chairman	X			
Cong. James Broyhill	Commerce Subcom. on Pub. Health, etc.	Minority Member		X		
Cong. Charles Vanik	Ways and Means Sub- com. on Trade	Chairman		X		

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BORDER MANAGEMENT

MEMBER	COMMITTEE	POSITION	SUPPORT	PROBABLE		
				SUPPORT	UNDECIDED	OPPOSE
Cong. John Murphy	Merchant Marine and Fisheries	Chairman		X		
Cong. Peter Rodino	Judiciary	Chairman	X			
Cong. Robert McClory	Judiciary	Ranking Minority		X		
Cong. Joshua Eilberg	Judiciary Subcom. on Immigration	Chairman				X
Cong. Jack Brooks	Gov. Operations	Chairman		X		
Cong. Frank Horton	Gov. Operations	Ranking Minority	X			
Cong. L.H. Fountain	Gov. Operations	Majority Member		X		
Cong. Dante Fascell	Gov. Operations	Majority Member		X		
Cong. William Moorhead	Gov. Operations	Majority Member			X	

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WASHINGTON

DATE: 07 JUN 78

FOR ACTION: STU EIZENSTAT

BOB LIPSHUTZ

FRANK MOORE (LES FRANCIS) *he has done* JACK WATSON

ANNE WEXLER

ZBIG BRZEZINSKI

RICHARD PETTIGREW

INFO ONLY: THE VICE PRESIDENT

JODY POWELL

SUBJECT: MCINTYRE MEMO RE REORGANIZATION OF LAW ENFORCEMENT,
BORDER MANAGEMENT AND IMMIGRATION POLICY

Bill -
status of
SE comment

6/20 - digt w/ sz, exp May 4/21

+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +

+ BY: 1000 AM MONDAY 12 JUN 78 +

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

THE WHITE HOUSE

WASHINGTON

Date: 7 June 1978

MEMORANDUM

FOR ACTION:

Secretary Vance 413 - pay via ~~SB~~ to
Secretary Blumenthal - attached ~~order~~ /
Attorney General Bell ~~to Vance~~ attached
Secretary Adams ~~attached~~ ~~to Vance~~ ~~concur~~

FOR INFORMATION:

6-13
Call Staff
re Vance
comment

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: McIntyre memo re Reorganization of Law Enforcement,
Border Management and Immigration Policy

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: 12:00 Noon

DAY: Monday

DATE: 12 June 1978

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.

☐ No comment.

Please note other comments below:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.


If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 12, 1978

MEMORANDUM FOR: THE PRESIDENT

FROM: James T. McIntyre, Jr. 

SUBJECT: Law Enforcement, Border Management,
and Immigration Policy Reorgani-
zations

The Attorney General and I both recommend that you temporarily postpone decisions set out in the Presidential decision memorandum dealing with the establishment of a coordination and policy unit for Federal law Enforcement in the Department of Justice (Decision II B) and dealing with the separation of state and local criminal justice information services from the FBI (Decision II C). Since both of these recommendations can be implemented with Executive Orders and do not require congressional action, and since both are controversial and still in the consultation process, we think that it would be best if no formal action were taken by you at this time. As part of the White House comment process, both the Vice President's staff and members of the Domestic Policy staff have requested such a postponement to reduce possible political opposition at this time.

2. Establish a Coordination and Policy Unit for Federal Law Enforcement in the Department of Justice by Executive Order to:

- (1) Coordinate the development and monitoring of professional policies and standards for all Federal law enforcement activities;
- (2) Facilitate and coordinate the criminal law enforcement activities of all Federal Departments and Agencies;
- (3) Coordinate the activities of law enforcement units within the Department of Justice.

The Reorganization Project's review of Federal law enforcement activities identified one hundred and ten (110) Executive Branch Organizations involved one way or another in such endeavors, including sixty-two (62) organizations with criminal investigation/enforcement activities. The findings show all too clearly the existence of significant jurisdictional ambiguity, overlap, priority anomalies, and in some instances, operational confusion over specific responsibilities.

In recent years, the Federal Government has provided leadership and financial assistance (through the Law Enforcement Assistance Administration) to units of State and local government for the improvement of their law enforcement and criminal justice activities. In many instances, the Federal Government has conditioned law enforcement funding assistance to require the units of State and local government to develop comprehensive plans, adopt minimum standards for training, and improve mechanisms for coordination, organization, and the management of resources. Ironically, the review of Federal law enforcement indicates the Federal Government has not practiced what it has been preaching to State and local law enforcement.

During the past few years Federal law enforcement activities have grown in size and complexity with very little consideration of where responsibility for program coordination and operation should be placed to ensure maximum overall effectiveness.

The recommendation presented here is designed to improve and strengthen the management and accountability of Federal law enforcement activities. To this end, we propose to establish the Attorney General, in fact, as the chief law enforcement officer of the Nation. To do so neither requires nor makes desirable the centralization of all Federal law enforcement activities in the Department of Justice. But those activities should be coordinated and responsive to the national priorities established by Congress and the President.

In addressing almost any of the major crime problems, the Federal Government finds itself acting through a wide variety of offices and bureaus, departments and agencies. Often these units trip over one another as they move to meet one part or another of a common problem. Sometimes they step on one another's toes. Frequently they behave like a series of fragmented fiefdoms unable to focus Federal resources or energies in a way which produces any sustained concentrated impact.

The diffusion of responsibility and lack of meaningful coordination makes it extremely difficult to launch a coordinated attack on national priority crime problems. It is as if the various units of an army were operating under a variety of highly independent commands.

The need for improving Federal law enforcement coordination and policy is probably best expressed by the views of the U.S. Attorneys. As part of the study effort the project team asked the U.S. Attorneys to respond to several questions relating to Federal law enforcement roles, problems and needs, and jurisdictional issues. Some of their comments follow:

- o "Federal law enforcement is too fragmented. There are simply too many agencies for effective, efficient and fair enforcement. Inter-agency cooperation is frequently difficult, with legal and bureaucratic restrictions hampering communication. Because of the division of investigative responsibilities and jurisdiction, agents appear to don blinders while investigating a crime, ignoring evidence of other criminal activity which comes to their attention.

Resulting duplication of investigative efforts (not to mention the associated administrative, clerical and management work) place an incredible drain on our resources." (Emphasis added.)

- o "Even in major areas, the Federal level is tremendously fragmented between the FBI, the Drug Enforcement Administration and the Treasury Department -- IRS, and the Alcohol, Tobacco and Firearms Division. Trying to coordinate joint investigations among these agencies, a need which arises often, is most taxing." (Emphasis added.)
- o "The bifurcated nature of the (Federal) investigative agencies is a source on the local level of waste and inefficiency, and tends to impede effective law enforcement. Various Federal investigative agencies operate independently and draw sustenance from their own statistics. As a result, there is often ineffective cooperation, jealousy and competition." (Emphasis added.)
- o "The gathering of information necessary to bring law violators to justice should be integrated into a single investigative agency. The special training, expertise and traditions of the present agencies may be preserved by use of divisions, so long as the jealousy, statistical competition, and duplication of services is eliminated." (Emphasis added.)
- o "The Federal system of law enforcement is a maze of many agencies, investigating, reporting, each with its own individual investigative techniques, staffs and procedures. I would like to see more consolidated Federal investigative agencies, with standardized reporting procedures and standardized investigative reports." (Emphasis added.)

- o "Conflict of priorities and statistical credit often result in the lack of necessary cooperation among agencies. A major investigation may fall within the jurisdiction of one agency and, if successful, prosecution will most likely be credited to that agency. Therefore, support and allocation of resources and manpower from other agencies may be difficult to obtain."
(Emphasis added.)
- o "In addition to manpower being wasted because of lack of coordination with Federal agency investigations, the same inefficiency results from the Federal/State relationship."
- o "... cooperation and joint ventures should be expanded and improved among Federal agencies. This, however, does not necessarily imply consolidation of agencies." (Emphasis added.)

Too often the analysis of National crime problems and the development of an appropriate Federal response suffers from a piecemeal approach; problems are defined so that they will fit within established jurisdictions and bureaucratic conventions, and the results of Federal law enforcement action are typically measured by the degree of activity within each program rather than by the overall impact of related activities on the problems being addressed. Even when organizations make an effort to broaden their perspectives, they often find it impossible to develop a comprehensive strategy for meeting law enforcement problems and needs. Everybody's business becomes nobody's business and embarrassing gaps appear for which no organization can be held accountable. At other times various Federal authorities act as rivals, competing with each other for the same piece of "turf".

What is now required, however, is a truly comprehensive restructuring of the coordination process for Federal law enforcement. The proposed actions would provide for a central point in the Federal system for formulating policy and priorities, advising the President and the Attorney General on law enforcement problems and needs, assigning accountability for Federal coordination, program planning and policy-setting to the Attorney General, thereby reducing jurisdictional disputes and establishing a mechanism for effective interagency coordination.

Such a mechanism should prevent unnecessary duplication, and encourage the promotion of inter-bureau and inter-departmental cooperation where it cannot (or should not) be addressed by structural reorganization as a function of day to day management. To do this there must be an organization or mechanism under the direction of the Attorney General to set and monitor professional policy and standards, and to require cooperation and coordination.

The Attorney General is generally recognized as the Chief Law Enforcement Officer of the Nation. However, he does not have available in the Department of Justice the staff support and coordination mechanism necessary to effectively carry out these responsibilities. In this regard it should be noted that "authority" is not the problem; President Johnson issued Executive Order No. 11396, in February 1968, which provides, in part:

"The Attorney General is hereby designated to facilitate and coordinate (1) the criminal law enforcement activities and crime prevention programs of all Federal Departments and Agencies,... The Attorney General may promulgate such rules and regulations and take such actions as he shall deem necessary or appropriate to carry out his functions under this Order."
(Emphasis added.)

Unfortunately, there is now no mechanism under the Attorney General in the Department of Justice to develop the necessary policies and standards and to provide such coordination. The Coordination and Policy Unit recommended would provide such a mechanism. The unit would be a separate organizational entity with its own staff and headed by Judge William Webster, Director of the FBI.

DECISION

Establish a Coordination and Policy Unit for
Federal Law Enforcement in the Department of
Justice by Executive Order to:

- (1) Coordinate the development and monitoring of professional policies and standards for all Federal law enforcement activities;
- (2) Facilitate and coordinate the criminal law enforcement activities of all Federal Departments and Agencies;
- (3) Coordinate the activities of law enforcement units within the Department of Justice.

_____ Approve

_____ Disapprove

3. Separate State and Local Criminal Justice Information Services from the FBI - By administrative action separate the Fingerprint Identification, Criminal History Records and National Crime Information Center (NCIC) functions of the FBI and place them in a newly created unit in the Department of Justice. This would be accomplished by an internal order of the Department of Justice.

The FBI provides criminal justice information services to local, State, and other Federal law enforcement and criminal justice agencies through two interrelated program areas:

1) fingerprint identification and criminal history records - for years referred to as the "Rap Sheet"; and, 2) the National Crime Information Center (NCIC), a nationwide computerized system for various "Wanted" information (persons, vehicles, property, etc.). NCIC is also the repository for the FBI's Computerized Criminal Histories (CCH) program.

These criminal justice information services exist in the main to support State and local government activities. Considerable concern has been expressed by the Congress and others regarding the privacy, security and confidentiality features of these systems, and there is no clear agreement on what these systems should contain or what the roles should be of the levels of Government (local, State, and Federal) involved.

We propose to separate the criminal justice information services from the FBI for two reasons. First, as the Justice Department has found (in March 1978), "duplicative efforts abound, public funds are wasted, confusion and distrust between levels and branches of government have increased and little progress has been made in improving the standards governing the collection and exchange of criminal justice information ..." Hence, the criminal justice information systems require increased management visibility and attention. And because these systems can and should support all State, local and Federal law enforcement activities, it is appropriate that they not report to one of the operating law enforcement bureaus.

Second, and perhaps more importantly, removing these criminal justice information services from the FBI would increase the protection of personal privacy. Civil liberties groups, and others, should support a reduction of non-enforcement functions located in major law enforcement units.

The 1977 Report of the Privacy Protection Study Commission noted:

"While a number of questions need to be resolved in regard to this use of technologically sophisticated information systems by Federal or State law enforcement and investigative agencies, three problems are particularly pertinent to the protection of personal privacy."

"The first emerges from even the briefest consideration of how information enters the criminal justice information systems and how it is used. As such systems are currently structured, there is little control over the accuracy of criminal history information - often the most revealing and potentially the most damaging recorded information routinely exchanged by law enforcement agencies. The criminal history files of the FBI's Identification Division illustrate the inability of a central record keeper to control the quality of the information in its records, since by and large the central record keeper has little enforceable authority over other agencies reporting to it. (See Menard v. Saxbe, 498 F.2d 1017 (D.C. Cir. 1974))...

"The second problem generated by these new systems grows out of the current pattern of unrestricted information flows between law enforcement and investigative agencies at all levels of Government. Those flows, formal and informal, are usually justifiable, but they are also easily amenable to abuse. Easier access to information by Agents within a unit, and greater facility to exchange information between units, will increase the potential for abuse and thus for the misapplications of police powers...

"The final problem that needs resolution results from Federal agencies providing computer-communications services to State and local law enforcement agencies. At one level, it is a classic problem of Federalism, of the proper role of the central Government in furnishing local services; at another level, however, it is a problem posed by one agency operating the information services on which other agencies depend and thus being able, at least potentially, to control the format of the other Agencies' records and to use those records for its own purposes. Some of the consequences of a Federal law enforcement agency controlling the flow of State and local criminal justice information are illustrated in the continuing controversy over whether the Federal Bureau of Investigation should supply a message-switching, or interstate data communications service through its National Crime Information Center (NCIC).

"As the operator of NCIC, the FBI would exercise central control over and have the ability to reach into any State or local records that were directly hooked into the system, as well as the ability to monitor the flow of information through the system. While such an ability is only a potential, the transformation of that potential into an actuality has occurred before, and would permit the agency controlling the system to collect and use information to which it might not be legitimately entitled....

"Given the particularly damaging character of the information involved and the potential for misuse, any long-range decision to permit Federal (law enforcement) Agencies to provide such services should be made only if there is no alternative."

It should be noted that the Department of Justice has prepared a plan to reexamine the policies, procedures, and practices associated with the acquisition, preservation, and exchange of identification, criminal identification, crime, and such other records, as are now maintained in support of Federal, State, and local

criminal justice agencies. The Department's plan includes an Attorney General's Special Task Force on Criminal Record Information, to seek the advice and counsel and work with the units of State and local government, the Congress, and other knowledgeable and interested groups on these issues. Such a task force would complement the organizational change recommended here.

DECISION

Separate State and Local Criminal Justice Information Services from the FBI.

By administrative action separate the fingerprint identification, criminal history records and National Crime Information Center (NCIC) functions of the FBI and place them in a newly created unit in the Department of Justice. This would be accomplished by an internal order of the Department of Justice.

_____ Approve

_____ Disapprove

IV. CONCLUSIONS

These recommendations obviously will not solve all or even most problems relating to Federal law enforcement; however, we believe that adopting them will result in an organizational structure capable of developing and implementing effective and efficient policies and programs that are compatible with the Administration's law enforcement goals and priorities.

D. Recommendations

1. Unify Border Management Functions (a) Create by Reorganization Plan, a new Border Management Agency within the Department of Treasury and transfer to that agency all of the functions of the U.S. Customs Service, and the functions of inspection at ports of entry and patrol between ports of entry from the Immigration and Naturalization Service. (b) Direct the new Border Management Agency, in cooperation with other agencies, to prepare marine and air support plans for border activities.

Both Customs and INS now have separate patrol and port inspection units which perform comparable duties, employ similar enforcement techniques and require the same type of support systems and facilities. This duplication and the lack of cooperation between the agencies has hampered effective enforcement.

By unifying all inspection and patrol activities within a new Border Management Agency, responsibility would be fixed in a single agency for the first time. Consolidation should allow greater flexibility in responding to peak workloads and to immediate crises, promote consistency in procedures and systems, promote elimination of duplicative procedures and systems, encourage development of new techniques, and eliminate the competition and parochialism that has characterized relations between the two agencies. By reducing the number of border inspections to one per person a more convenient and timely processing of persons at ports of entry would be provided.

5. Lack of Focal Point for Alien Policy Coordination

Immigration and alien regulation policy is now uncoordinated; State issues visas; Justice determines actual admission; and Labor certifies that a job is available for aliens in certain categories.

These problems result in a system of border control that is confusing, slow, and ineffective, and a system of alien regulation which is slow, uncoordinated, and, too often, insensitive to human rights.

NATIONAL SECURITY COUNCIL

June 13, 1978

MEMORANDUM FOR: RICK HUTCHESON
FROM: *Ceres*
CHRISTINE DODSON *gh*
SUBJECT: NSC Comments Related to PD Memorandum
on Law Enforcement, Border Management,
and Immigration Policy Reorganization

1. Visa Issues and Policy (Page 29)

The benefits which are likely to be realized by this reorganization initiative appear minimal, but we have no particular opposition.

It should be noted that the State Department has a definite foreign policy role to perform in this area. This reorganization initiative should not be viewed as a diminution of that role or the beginning of an erosion of State responsibilities in visa policy.

2. Refugee Coordination (Page 31)

We oppose development of an EO clarifying refugee policy and coordination responsibility. The Administration's first priority in this area is the passage of new, permanent legislation which would eliminate the need for such frequent use of the refugee parole authority. Any interim parole which might be required will be fully coordinated. In light of the above, the effort necessary to coordinate and issue an EO does not seem warranted.

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THE SECRETARY OF STATE
WASHINGTON

June 10, 1978

MEMORANDUM FOR: THE PRESIDENT
From: Cyrus Vance *W*
Subject: Reorganization Proposals Regarding
Visa and Refugee Functions

Jim McIntyre has forwarded to you a Decision Memorandum recommending that you approve a Reorganization Plan which would have the effect of transferring the policy-making functions relating to visa and refugee matters from the Department of State to the Immigration and Naturalization Service of the Department of Justice. I strongly oppose these proposals and urge you to disapprove the recommendations to this effect (III(B)(1) and (2)).

I. Visa Policy Function

I do not approach the proposal to the transfer of the visa policy function to INS from the standpoint of preserving the State Department's prerogatives or protecting its bureaucratic territory. Rather, it seems to me that the relevant question is: Are there foreign policy considerations which must be taken into account in formulating visa policy which make it imperative that the policy-making function be retained by the Department of State? I believe the answer is yes.

Visa policy involves such foreign policy issues as, for example, the Administration's support for freedom of international travel, compliance with Basket III of the Helsinki Final Act (CSCE) and the admission and proposed activities in the United States of representatives of the Irish Revolutionary Army and the Palestine Liberation Organization. There are also significant foreign policy implications in the travel

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ESDN: NLG-126-13-1/-1-4

BY: *KS* NARA DATE *6/2/13*

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to the United States of residents of Rhodesia, Uganda, South Africa, Eastern Europe, the Soviet Union, and many other countries. Visa policy with respect to Mexico is at the center of our foreign policy discussion with that important and sensitive neighboring country.

These examples of the inter-relationship between visa decisions and foreign policy show that it is essential that the State Department be able to bring to bear the broad range of foreign policy considerations in formulating visa policy and acting on individual cases.

In attempting to support the reorganization proposals, it is argued that there is duplication between visa issuance abroad and immigration inspection at the border. This argument can only stem from a serious misunderstanding of how the system actually works. The consular officer abroad screens out ineligible applicants and often issues visas that may be used many times. The INS inspector at the border ensures that the individual has a valid visa and that he has not done anything since the visa was issued to render him ineligible under the law. The latter step is an essential function.

The benefits projected from automation of the process are already underway, and there would be little, if any, resource saving from the reorganization proposal. On the contrary, the proposal would divide the visa function between three rather than two agencies, thereby compounding the coordination function both in Washington and in the field.

II. Refugee Policy Function

The Decision Memorandum asks you to approve the issuance of an Executive Order "clarifying policy and coordination responsibilities with respect to refugee matters." The accompanying explanation states that the Executive Order should clarify responsibilities "so that the Immigration and Naturalization Service can be held accountable for planning and advising on refugee matters when they involve immigration into the United States." This "clarification" would appear to exclude the Department of State from refugee policy matters.

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-3-

Here again, however, I believe that our refugee policy has overriding foreign policy implications. Protecting refugees through the application of international refugee conventions, providing for their resettlement in third countries, and securing international financial support to sustain them are important objectives of our foreign policy. The Vice President's recent trip to East Asia highlighted the severity of the global refugee problem. In addition, questions of asylum almost always have foreign policy ramifications.

Under current law, the Attorney General has the ultimate authority over admissions of refugees to the United States. There may be some merit in the suggested new Executive Order if it would clarify the responsibilities of State and Justice regarding refugee policy and preserve State's function of providing advice on foreign policy implications in the administration of immigration laws.)

In sum, our policies relating to visa issuance and refugee administration, in our view, are not exclusively or even primarily matters of "border management" or "law enforcement." They are foreign affairs activities, directly tied to America's relations and contacts with other nations and peoples. They represent an important reflection of our commitment to human rights. While they, of course, operate within a framework of law, so do most foreign relations functions. It would be a mistake to allow these essentially person-to-person and humanitarian activities to be portrayed domestically or internationally as essentially law enforcement problems.

~~CONFIDENTIAL~~

THE SECRETARY OF STATE
WASHINGTON

ES Sensitive
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S/S 7811608

June 10, 1978

MEMORANDUM FOR: THE PRESIDENT
From: Cyrus Vance *W*
Subject: Reorganization Proposals Regarding
Visa and Refugee Functions

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BY: *KS* NARA DATE 6/2/13

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- 2 -

to the United States of residents of Rhodesia, Uganda, South Africa, Eastern Europe, the Soviet Union, and many other countries. Visa policy with respect to Mexico is at the center of our foreign policy discussion with that important and sensitive neighboring country.

These examples of the inter-relationship between visa decisions and foreign policy show that it is essential that the State Department be able to bring to bear the broad range of foreign policy considerations in formulating visa policy and acting on individual cases.

In attempting to support the reorganization proposals, it is argued that there is duplication between visa issuance abroad and immigration inspection at the border. This argument can only stem from a serious misunderstanding of how the system actually works. The consular officer abroad screens out ineligible applicants and often issues visas that may be used many times. The INS inspector at the border ensures that the individual has a valid visa and that he has not done anything since the visa was issued to render him ineligible under the law. The latter step is an essential function.

The benefits projected from automation of the process are already underway, and there would be little, if any, resource saving from the reorganization proposal. On the contrary, the proposal would divide the visa function between three rather than two agencies, thereby compounding the coordination function both in Washington and in the field.

II. Refugee Policy Function

The Decision Memorandum asks you to approve the issuance of an Executive Order "clarifying policy and coordination responsibilities with respect to refugee matters." The accompanying explanation states that the Executive Order should clarify responsibilities "so that the Immigration and Naturalization Service can be held accountable for planning and advising on refugee matters when they involve immigration into the United States." This "clarification" would appear to exclude the Department of State from refugee policy matters.

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-3-

Here again, however, I believe that our refugee policy has overriding foreign policy implications. Protecting refugees through the application of international refugee conventions, providing for their resettlement in third countries, and securing international financial support to sustain them are important objectives of our foreign policy. The Vice President's recent trip to East Asia highlighted the severity of the global refugee problem. In addition, questions of asylum almost always have foreign policy ramifications.

Under current law, the Attorney General has the ultimate authority over admissions of refugees to the United States. There may be some merit in the suggested new Executive Order if it would clarify the responsibilities of State and Justice regarding refugee policy and preserve State's function of providing advice on foreign policy implications in the administration of immigration laws.

In sum, our policies relating to visa issuance and refugee administration, in our view, are not exclusively or even primarily matters of "border management" or "law enforcement." They are foreign affairs activities, directly tied to America's relations and contacts with other nations and peoples. They represent an important reflection of our commitment to human rights. While they, of course, operate within a framework of law, so do most foreign relations functions. It would be a mistake to allow these essentially person-to-person and humanitarian activities to be portrayed domestically or internationally as essentially law enforcement problems.

~~CONFIDENTIAL~~



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUN 14 1978

~~CONFIDENTIAL~~

MEMORANDUM FOR: Cyrus Vance
Secretary of State

FROM: James T. McIntyre, Jr. (Signed) Jim

SUBJECT: Reorganization Proposals Regarding
Visa and Refugee Functions

Thank you for your memorandum of June 10, 1978, setting out in detail the matters which we discussed briefly Friday. I agree with you that the reorganization proposals should certainly not be considered to be a bureaucratic territory matter. We have very carefully tried to weigh the benefits and burdens of any proposed reorganization to make sure that the potential benefits in providing service and in making government more responsive and responsible clearly outweigh any short-term costs. We think this is such a proposal.

There continues to be some apparent misunderstanding as to the proposals made by the Reorganization Project to the President. The two recommendations affecting State are:

1. To eliminate the duplication with respect to nonimmigrant visas under the present system. As you know, visas issued by consular officers now do not entitle a visitor to enter the United States. A de novo inspection and investigation occurs at the border by the Immigration and Naturalization officers, who (as you point out in your memorandum) often have much less opportunity to make judgements concerning entry than does the consul. INS alone now authorizes entry into the United States.

Our proposal eliminates this duplication, and requires both the consular officer and INS to make known objections to the issuance of the visa

DECLASSIFIED

Per: Rac Project

ESDN; NLC-126-13-11-1-4

BY 45 NARA DATE 6/12/13

prior to the issuance of the visa. In practical terms, our proposal means that about 97 percent of the four million nonimmigrant visas issued each year would be issued by consular officers without any clearance whatsoever with INS. The remainder would be cleared by INS.

2. Our recommendation with respect to refugee matters is almost precisely as stated in your June 10 memorandum to me. You indicated:

"There may be some merit in the suggested new Executive Order if it would clarify the coordinating responsibilities of State and Justice regarding refugee policy and preserve State's functions of providing advice on foreign policy implications in the administration of immigration laws."

Our proposal would do exactly that, making clear both State's function of providing advice on foreign policy implications in the administration of immigration laws while preserving Justice's function of providing advice on immigration policy implications in refugee matters.

Let me give you further information concerning some of the points raised in your memorandum. You state that visa policy involves foreign policy issues. We agree. That is why, under our proposal, all visas will continue to be issued by consular officers. I should point out that in instances where foreign policy is critically important, the new system should be preferable from a foreign policy standpoint, in that it requires INS to make its objections to entry into the United States known prior to issuance of the visa so that appropriate consultation could take place in a particularly sensitive situation. At the present time, there is no protection against a subsequent contrary determination by INS at the border in the case of any visa issued by consular officers, notwithstanding sensitive foreign policy considerations. Of course the new system would also, for the first time, create a framework in which to actually develop a comprehensive immigration policy.

~~CONFIDENTIAL~~

You indicate that the PRP argument about duplication "can only come from a serious misunderstanding of how the system works." PRP has carefully studied the present system and concluded that the duplication created in an era of steamship travel is no longer required in an era of air travel. I might say that this is not a discovery on the part of PRP. You are probably aware that the first Hoover Commission, the 1952 study "Whom Shall We Welcome" and later studies including a recent Domestic Council study, all recommended much more drastic changes in the non-immigrant visa process. The Domestic Council study basically suggested elimination of the use of nonimmigrant visas (as has been done by most Western European countries), while the earlier studies recommended transfer of the entire consular function to INS. The PRP proposal is an alternative which recognizes the foreign policy implications of visa issuance, while providing a framework for implementation of a rational immigration policy.

I would be pleased to discuss this matter further with you at your convenience.

~~CONFIDENTIAL~~



DEPARTMENT OF STATE

Washington, D.C. 20520

~~CONFIDENTIAL~~

June 24, 1978

MEMORANDUM FOR MR. RICK HUTCHESON
THE WHITE HOUSE

The Secretary sent the attached memorandum directly to the President in response to your request for comments on OMB's reorganization proposal concerning visa and refugee policy functions. I am forwarding the attachment to you for inclusion in the attachments to the proposal, which I understand is going forward to the President on Monday.

Peter Tarnoff
Executive Secretary

Attachment:

June 10 Memorandum to
the President.

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DECLASSIFIED
Per: Rac Project
ESDN: NLC-12C-13-11-1-4
BY KS NARA DATE 6/7/13

THE SECRETARY OF STATE
WASHINGTON

ES Sensitive
~~CONFIDENTIAL~~

S/S 7811608

June 10, 1978

MEMORANDUM FOR: THE PRESIDENT
From: Cyrus Vance *ew*
Subject: Reorganization Proposals Regarding
Visa and Refugee Functions

Jim McIntyre has forwarded to you a Decision Memorandum recommending that you approve a Reorganization Plan which would have the effect of transferring the policy-making functions relating to visa and refugee matters from the Department of State to the Immigration and Naturalization Service of the Department of Justice. I strongly oppose these proposals and urge you to disapprove the recommendations to this effect (III(B)(1) and (2)).

I. Visa Policy Function

I do not approach the proposal to the transfer of the visa policy function to INS from the standpoint of preserving the State Department's prerogatives or protecting its bureaucratic territory. Rather, it seems to me that the relevant question is: Are there foreign policy considerations which must be taken into account in formulating visa policy which make it imperative that the policy-making function be retained by the Department of State? I believe the answer is yes.

Visa policy involves such foreign policy issues as, for example, the Administration's support for freedom of international travel, compliance with Basket III of the Helsinki Final Act (CSCE) and the admission and proposed activities in the United States of representatives of the Irish Revolutionary Army and the Palestine Liberation Organization. There are also significant foreign policy implications in the travel

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GDS

DECLASSIFIED
Per: Rac Project
ESDN: NLC-126-13-11-1-4
JES NARA DATE 8/2/13

~~CONFIDENTIAL~~

- 2 -

to the United States of residents of Rhodesia, Uganda, South Africa, Eastern Europe, the Soviet Union, and many other countries. Visa policy with respect to Mexico is at the center of our foreign policy discussion with that important and sensitive neighboring country.

These examples of the inter-relationship between visa decisions and foreign policy show that it is essential that the State Department be able to bring to bear the broad range of foreign policy considerations in formulating visa policy and acting on individual cases.

In attempting to support the reorganization proposals, it is argued that there is duplication between visa issuance abroad and immigration inspection at the border. This argument can only stem from a serious misunderstanding of how the system actually works. The consular officer abroad screens out ineligible applicants and often issues visas that may be used many times. The INS inspector at the border ensures that the individual has a valid visa and that he has not done anything since the visa was issued to render him ineligible under the law. The latter step is an essential function.

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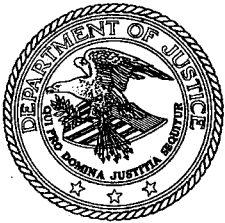
-3-

Here again, however, I believe that our refugee policy has overriding foreign policy implications. Protecting refugees through the application of international refugee conventions, providing for their resettlement in third countries, and securing international financial support to sustain them are important objectives of our foreign policy. The Vice President's recent trip to East Asia highlighted the severity of the global refugee problem. In addition, questions of asylum almost always have foreign policy ramifications.

Under current law, the Attorney General has the ultimate authority over admissions of refugees to the United States. There may be some merit in the suggested new Executive Order if it would clarify the responsibilities of State and Justice regarding refugee policy and preserve State's function of providing advice on foreign policy implications in the administration of immigration laws.

In sum, our policies relating to visa issuance and refugee administration, in our view, are not exclusively or even primarily matters of "border management" or "law enforcement." They are foreign affairs activities, directly tied to America's relations and contacts with other nations and peoples. They represent an important reflection of our commitment to human rights. While they, of course, operate within a framework of law, so do most foreign relations functions. It would be a mistake to allow these essentially person-to-person and humanitarian activities to be portrayed domestically or internationally as essentially law enforcement problems.

~~CONFIDENTIAL~~



Office of the Attorney General

Washington, D. C. 20530

June 13, 1978

MEMORANDUM TO: The President

FROM: The Attorney General **GBB**

SUBJECT: Department of Justice Comments on
Law Enforcement, Border Management,
and Immigration Policy Reorganization.

The Department strongly supports the proposal to unify explosives and firearms enforcement in Justice. This would eliminate the current jurisdictional friction between the FBI and AT&F, and would be a significant first step toward better coordination of all federal law enforcement activities. I wish to emphasize that this proposal is unrelated to any other proposal in the decision memorandum, and should be approved regardless of your reactions to the others.

It is my understanding that the proposal to establish a coordination and policy unit for federal law enforcement in the Justice Department, and the proposal to separate state and local criminal justice information services from the FBI, are not being presented to you at this time. Therefore, I shall withhold comment on those proposals.

I have the following comments on the proposals regarding border management and immigration policy:

- (1) The Department endorses the basic proposal to create a border management agency which would include a consolidated inspection and patrol force, and the proposals to unify and clarify immigration policy functions.
- (2) The Office of Legal Counsel has raised a question as to whether the use of reorganization authority is necessary or appropriate to place the visa issuance authority in the Attorney General, because existing statutes appear already

to place the responsibility solely with me. The Office of Legal Counsel, the Office of Management and Budget and the State Department are attempting to resolve this narrow question expeditiously.

(3) Ensuring the location of authority for visa policy in the Attorney General is important to the national security. Clear authority in the Attorney General would obviate the long-standing and currently intractable disputes between the FBI and the State Department over the admission of persons with established ties to foreign intelligence organizations.

(4) As the decision memorandum notes, the Justice Department has argued to OMB that the new border management agency should be placed in Justice instead of the Treasury Department. Moving the inspection function to Treasury as part of this agency causes two problems. First, it undercuts one value of locating visa issuance policy in the Attorney General -- the elimination of fragmentation between visa issuance and inspection functions which is caused by their location in different Departments. If visa issuance policy were to be secured in the Attorney General, and the inspection function were to be retained in Justice, the fragmentation would be avoided and the entire process of issuing visas and admitting visa holders would be more efficient. Second, the inspection personnel in I&NS have assisted in the dramatic reduction of I&NS case adjudication backlogs by processing cases during their duty hours not spent in inspections; I&NS will be unable to maintain its priority effort in reducing the backlog if the inspection personnel are lost to Treasury.

Despite these problems, I have told OMB that I am prepared to cooperate in creating the border management agency in Treasury and I reiterate this to you.

(5) If you agree with the proposal to create a border management agency in Treasury, thus removing a major portion of I&NS from Justice, it is important to Chairman Rodino of the House Judiciary Committee that you also agree to the proposals to unify immigration policy functions under my authority. Gaining clear immigration policy authority in Justice would compensate Chairman Rodino for the loss of jurisdiction over part of I&NS. Immigration policy functions include control over visa policy, as mentioned above.

GBB

THE WHITE HOUSE

WASHINGTON

June 24, 1978

MEMORANDUM FOR: THE PRESIDENT

FROM: STU EIZENSTAT *Stu*
ANNIE GUTIERREZ

SUBJECT: McIntyre Memo re: Border Management
and Immigration Policy

The original McIntyre memo to you concerning law enforcement reorganization contained a proposal to establish a coordination and policy unit for federal law enforcement in the Justice Department, and the proposal to separate state and local criminal justice information services from the FBI. OMB has withdrawn these issues from consideration at this time, leaving for your approval recommendations dealing with Border Management, Immigration Policy, and the transfer of firearms enforcement.

- o Transfer by Reorganization Plan the criminal enforcement firearms and explosives functions of the Bureau of Alcohol, Tobacco, and Firearms (BATF) that are now in the Treasury Department to the Department of Justice, and create a new Bureau of Firearms and Explosives in the Justice Department. (The alcohol and tobacco taxing and regulatory functions of BATF would remain in the Treasury Department.)

This is the least controversial proposal among agencies in the Administration and on the Hill. It will probably be vigorously opposed by the National Rifle Association, as they will see it as a step towards more effective enforcement of the gun laws. The liquor lobby is also likely to oppose this transfer because it will leave alcohol enforcement in a vulnerable position, open to a future move.

Recommendation: I recommend, without reservation that the firearms and explosives enforcement be transferred from the Treasury Department to the Justice Department. A carefully planned strategy should be developed for dealing with the opposition from the NRA.

- o Create by Reorganization Plan, a new Border Management Agency within the Department of Treasury and transfer to that agency all of the functions of the U.S. Customs Service, and the functions of inspections at ports of entry, and patrol between ports of entry, from the Immigration and Naturalization Service.

This is the most controversial proposal in the plan. While it is clear that coordination and consolidation are necessary on the border, I am concerned about placing this heavy law enforcement responsibility in Treasury.

- It will lead to substantial criticism from Mexican Americans, who fear that the Treasury Department will not be sensitive to human rights. (See ~~attached~~ letter from Hispanic groups.) It may also be seen as a demotion of Leonel Castillo. This would come at a time when Hispanics are already critical of the Administration.
- It will deplete INS of resources needed for clearing up the backlog. The inspection personnel in INS have assisted in the dramatic reduction of INS case adjudication backlogs by processing 45% of these cases during their duty hours not spent in inspections. If the transfer is made, it is hard to imagine how INS would handle these cases without substantial increases in personnel.

An alternative would be to put the Border Management Agency in Justice. One problem with this is that INS has traditionally been plagued with poor management.

Recommendation: I believe that the question of whether a Border Management Agency should be created in either Treasury or Justice is close enough to warrant some further consultation. I would like to talk to a few groups and some people on the Hill. In addition, since this proposal will be opposed by the American Federation of Governmental Employees (the INS union) I would like to check with them and the AFL-CIO to determine the strength of their opposition and to assure that this would not have a severe impact on Civil Service reform.

If you decide to go forward with the OMB recommendation, I think you should take steps in advance to assure that Castillo remains with INS, rather than be transferred to Treasury with the Border Patrol. This would minimize somewhat the anger and hostility which can be expected from Hispanics if the agency is halved.

_____ Hold decision on Reorganization proposal until further checking is done with Congress and groups including Hispanic, AFGE, and AFL-CIO.

- o Direct the new Border Management Agency, in cooperation with other agencies, to prepare marine and air support plans for border activities.

Recommendation: I have no objection to this recommendation.

- o Transfer by Reorganization Plan the visa issuance policy function of the Department of State to the Attorney General, while assuring that the Department of State consular officials will continue to actually process and issue visas.

Recommendation: I have no strong opinion.

- o Issue an Executive Order clarifying policy and coordination responsibilities with respect to refugee matters which involve proposed immigration into the United States.

State, Justice, HEW, the NSC and Domestic Policy Staffs worked together on a refugee policy earlier this year, which you approved; and new legislation is anticipated next year. It does not seem feasible or necessary to issue an Executive Order at this time.

Recommendation: I strongly recommend against this, particularly since no details are provided of what this refugee policy would be.



THE SECRETARY OF THE TREASURY
WASHINGTON 20220

June 12, 1978

MEMORANDUM TO THE PRESIDENT

Subject: Law Enforcement, Border Management and
Immigration Policy Reorganization

I have reviewed the Presidential Decision Memorandum on Law Enforcement, Border Management and Immigration Policy Reorganization and endorse the recommendations contained therein.

I strongly agree to the need for a single Border Management Agency.

The new agency would include all of the present Customs Service and that would make up more than two-thirds of its personnel. From the beginning of the republic, Treasury has been responsible for the collection of the revenue of the nation; indeed the Customs Service was the first revenue collection agency of the Federal Government. Today the Customs Service collects more than \$6 billion annually in revenues and is also one of our more effective law enforcement agencies. I think it is vital that revenue collection remain centralized in Treasury, and I do not think the revenue collection function can be effectively separated from the law enforcement component of the Customs Service. Accordingly, I urge that you approve the recommendation that the new Border Management Agency be located in the Treasury.

I also have no objection to the other recommendations in the paper, including the transfer of the firearms and explosives functions of the Bureau of Alcohol, Tobacco and Firearms from Treasury to the Justice Department. All the alcohol and tobacco responsibilities now performed by this Bureau would remain within the Treasury Department.

W. Michael Blumenthal

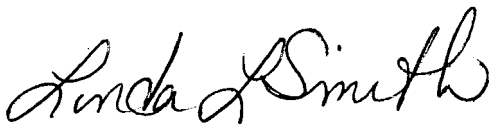
OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

June 12, 1978

Note to: Rick Hutcheson

Transmitted per your request is the
Department of Transportation's comments
on the Border Management Study.

A handwritten signature in cursive script, reading "Linda L. Smith". The signature is written in dark ink and is positioned above the printed name and title.

Linda L. Smith
Executive Secretary

Attachment



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

JAN 12 1978

MEMORANDUM FOR THE PRESIDENT

FROM: Brock Adams

A large, handwritten signature in black ink, appearing to read "Brock Adams", is written over the "FROM:" line and extends to the right.

We have reviewed the President's Decision Memorandum regarding law enforcement, border management and immigration policy. From our perspective, we are satisfied that the President's Reorganization Project (PRP) staff has fully recognized the conceptual and operational relationship between the United States Coast Guard (USCG) and the Department of Transportation (DOT). Once the PRP staff had the opportunity to examine and understand the systemic relationship between the mission and function of USCG and DOT, they realized that any proposal to fragment our national transportation systems was not consistent with the goals of the Administration.

The evolutionary nature of the PRP process has resulted in a significantly improved and achievable proposal. There are, however, some continuing inaccuracies in the paper which could be the source of public and Congressional misunderstanding. Specifically, pages 21 to 23, and page 27 leave the erroneous impression that USCG has devoted practically none of its law enforcement resources to other than fisheries conservation. There is also an implication that the USCG has given a low priority to law enforcement within the 12 mile zone which has resulted in the Customs Service having to assume a disproportionate share of marine interdiction. Finally, there is an implied suggestion that if the proposed Border Management Agency is not successful in achieving the requisite cooperation along the borders, there might be some future reconsideration of transferring the USCG.

It is essential that the President understand that the multi-mission nature of the USCG has resulted in only a portion of their resources being devoted exclusively to border management. Despite its diverse and increasing responsibilities, USCG has never failed to respond to a request from another agency. The USCG has increased its patrols and achieved a considerable success in drug interdiction, without any increase in personnel or equipment (see attachment).

The most inaccurate assessment in the Decision Memorandum is that there "... is inadequate protection of the coasts." This summary judgement is based upon a limited, albeit intensive, examination of only one aspect of coastal protection. To reach this conclusion on the overall adequacy of U.S. coastal protection (without ever establishing a definition or measure of effectiveness) seriously undermines the creditability of an otherwise judicious and dispassionate review of law enforcement, border management and immigration policy.

Our final critique of the PRP proposal regarding USCG activities centers on the Coordination and Policy Unit for Federal Law Enforcement. We can envision major implementation problems if this unit is empowered to supervise the operational law enforcement activities of the USCG.

Regarding the protection of our borders, I believe that PRP understands that the Federal Aviation Administration (FAA) has no mandated border protection responsibility. FAA's role is limited to the support our Air Traffic personnel has provided to the Customs Service. I can assure you that FAA is willing to offer any cooperation which might be beneficial to the overall border management effort.

In summary, I support the overall PRP proposal. I believe once PRP focuses on the need for a more fully integrated Federal transportation system that any reconsideration of USCG's transfer from DOT will be totally rejected. I further believe that inaccurate inferences can be drawn from the current language in Section III and that these misstatements should be corrected. I am looking forward to working with Secretary Blumenthal on border management planning. Admiral Hayes and I will give our personal attention and full support to resolving this important issue. We will continue to devote priority and resources to drug enforcement, recognizing that an increase in interdiction activity can only be achieved through a commensurate increase in new resources.

Attachment

RESULTS OF
UNITED STATES COAST GUARD
DRUG INTERDICTION EFFORTS

The results of Coast Guard drug interdiction efforts have shown rapid and continued growth since interdiction oriented patrols were begun in 1973. The number of vessels seized has increased from 3 in FY 73 to 70 (over 23 times as much) in the first 8 months of FY 78. During the same period, the amount of marijuana interdicted has jumped from 7500 pounds to nearly 1.5 million pounds (200 times as much). Arrests have increased from 6 to 502 (over 83 times as much) and the street value of contraband seized has climbed from a 1973 level of slightly more than 2 million dollars to the present value of nearly 600 million dollars (300 times as much).

GENERAL LAW ENFORCEMENT CONTRABAND SEIZURES BY FISCAL YEAR

	1973	1974	1975	1976+TQ	1977	1978	TOTAL
VESSELS SEIZED BY COAST GUARD	3	7	9	13	24	70	126
VESSELS SEIZED BY OTHER AGENCIES WITH CG PARTICIPATION	0	4	1	8	17	17	46
MARIJUANA SEIZED BY COAST GUARD (lbs)	7,500	18,200	36,000	145,335	795,538	1,499,366	2,501,941
MARIJUANA SEIZED BY OTHER AGENCIES WITH CG PARTICIPATION(lbs)	0	6,575	3,000	130,653	110,025	240,865	491,121
COCAINE SEIZED BY COAST GUARD (KG)	0	1	0	20	0	0	21
COCAINE SEIZED BY OTHER AGENCIES WITH CG PARTICIPATION (KG)	0	0	0	2	0	small amount	2
HASHISH SEIZED BY COAST GUARD (lbs)	0	6,139	0	0	0	0	6,139
HASHISH SEIZED BY OTHER AGENCIES WITH CG PARTICIPATION(lbs)	0	0	0	2,000	1,700	0	3,700
THAI STICKS SEIZED BY COAST GUARD (lbs)	0	0	0	0	10,185	17,130	27,315
ARRESTS	6	40	31	127	225	502	931
STREET VALUE OF CONTRABAND SEIZED (MILLIONS)	2.11	31.17	10.12	101.45	287.95	594.47	1027.27



Office of the Attorney General
Washington, D. C. 20530

June 20, 1978

MEMORANDUM FOR THE PRESIDENT

It is my understanding that at an early date you will receive the Law Enforcement, Border Management and Immigration Policy Reorganization Presidential Decision Memorandum prepared by your reorganization project. Although I earlier submitted my comments on this proposal, I wanted to reiterate my support for this proposal including the suggestion that you defer your decision as to Sections IIB and IIC.

Griffin B. Bell

Griffin B. Bell
Attorney General

*Pettigrew &
Wagner
concern
moore - w.c.*

THE WHITE HOUSE

WASHINGTON

June 13, 1978

MEMORANDUM FOR:

THE PRESIDENT

FROM:

RICHARD A. PETTIGREW *RAP*

SUBJECT:

McIntyre Memo Re Reorganization
of Law Enforcement, Border
Management and Immigration
Policy

I support OMB's recommendations regarding border management and law enforcement reorganization. OMB's political assessment fairly states the potential for opposition from the National Rifle Association, AFGE, and the Hispanic community. I also agree that decisions regarding a DOJ Coordination and Policy Unit be deferred and kept separate from the interdepartmental reorganization.

In addition, I think it would be politically advantageous to couple the later decision on internal DOJ structure and a DOJ coordinating role with a proposal to devolve certain federal law enforcement functions to the state and local levels. The prime candidates for shared jurisdiction would be auto theft and bank robbery. The states, with their increased professionalism and the support of computerized information systems, are generally able to handle these responsibilities. Further, the FBI has been under pressure to withdraw from exercising jurisdiction in these cases (except in an organized crime context). This shift would signal that a genuine reassessment of federal-level law enforcement priorities has been made.

WASHINGTON

cc: Tom
Jay

DATE: 07 JUN 78

FOR ACTION: STU EIZENSTAT

BOB LIPSHUTZ

FRANK MOORE (LES FRANCIS)

JACK WATSON

ANNE WEXLER

ZBIG BRZEZINSKI

RICHARD PETTIGREW

INFO ONLY: THE VICE PRESIDENT

JODY POWELL

SUBJECT: MCINTYRE MEMO RE REORGANIZATION OF LAW ENFORCEMENT,
BORDER MANAGEMENT AND IMMIGRATION POLICY

+++++
+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +
+ BY: 1000 AM MONDAY 12 JUN 78 +
+++++

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

THE WHITE HOUSE

WASHINGTON

Date: 7 June 1978

MEMORANDUM

FOR ACTION:

Secretary Vance
Secretary Blumenthal
Attorney General Bell
Secretary Adams

FOR INFORMATION:

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: McIntyre memo re Reorganization of Law Enforcement,
Border Management and Immigration Policy

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: 12:00 Noon

DAY: Monday

DATE: 12 June 1978

ACTION REQUESTED:

☒ Your comments
Other:

STAFF RESPONSE:

☐ I concur. ☐ No comment.
Please note other comments below:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

ID 783121

THE WHITE HOUSE

WASHINGTON

DATE: 13 JUN 78

FOR ACTION:

INFO ONLY: FRANK MOORE (LES FRANCIS)

+ SE

SUBJECT: MCINTYRE MEMO RE POLITICAL ASSESSMENT - LAW ENFORCEMENT
BORDER MANAGEMENT, AND IMMIGRATION POLICY REORGANIZATION
ADMINISTRATIVELY CONFIDENTIAL

+++++
+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +
+ BY: +
+++++

ACTION REQUESTED:

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUN 13 1978

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: THE PRESIDENT

FROM: James T. McIntyre, Jr. (Signed) Jim
Director

SUBJECT: Political Assessment - Law Enforcement,
Border Management, and Immigration Policy
Reorganization

After months of consultation and negotiation, the Congressional politics concerning this reorganization plan appear favorable. While each part of the plan (and associated administrative actions) has the potential for controversy, we believe on balance that a concerted and intensive effort after your decision will assure success.

In the remainder of this memorandum, we describe a summary analysis for the whole package and then discuss each part.

SUMMARY POLITICAL OVERVIEW

This is a substantial reorganization plan that affects highly protected jurisdictions. Because of this fact, all of our recommendations are in delicate balance and represent tradeoffs and compromises. While some parts of the plan have the potential for controversy, we believe that the substantive and symbolic values of improving the coordination of law enforcement and consolidating border management outweigh them. Further, through this reorganization plan, you can address a number of issues (e.g. drugs and aliens) through management improvement. Because the elements of this plan have neither a vocal nor overwhelming constituency or opposition yet, we have focused our analysis and strategy on the Congressional politics. While these plans will be handled by the Government Operations Committees, the views of the senior authorizing and Appropriation Committee members is especially important.

IMMIGRATION AND BORDER MANAGEMENT

In the House, both Chairmen Rodino and Steed support the plan. While Steed has always been positive, Rodino has only recently come aboard (in large measure due to the

ADMINISTRATIVELY CONFIDENTIAL

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Attorney General's conversations with him and the part of the plan to have Justice and State co-ordinate visa issuance). In order to obtain Chairman Rodino's support it is essential that the visa role of INS be strengthened. Chairman Rodino is ceding a large amount of "turf" for the sake of better management. He cannot understand State's "turf" considerations over a much smaller area. Also, Rodino sees visa coordination as the practical signal that this Administration is seriously going to build a first class immigration service.

In the Senate, Kennedy will support most of the plan. He may oppose visa coordination for reasons given by the Secretary of State in expressing his Department's views. Chairman Ribicoff and Senators Percy, Nunn, Chiles and DeConcini should support the plan. Chairman Brooks, while not enthusiastic, will probably follow the lead of Rodino and support the plan.

AFGE (the INS union) and the visa employees union will oppose the INS transfers, while the National Treasury Employees Union will support them. The AFL-CIO's opposition will be dampened by the fact that this plan will better control undocumented workers and smuggled foreign goods, as well as by the propitious timing of this reorganization with the labor law reform bill. The position of the Hispanic community is uncertain, but discussions indicate support for a more service-oriented Immigration and Naturalization Service. Likely allies include the law enforcement community, border state officials, the tourist and travel industry, and international trade interests - although in each case we must re-confirm their general indications of support.

A chart showing the indications of support or opposition to the immigration and border portion of the plan is attached.

LAW ENFORCEMENT

This memorandum assumes postponement of any Presidential decision on the two recommendations which can be implemented by Executive Orders (the law enforcement co-ordinative unit and separation of NCIC and fingerprint identification). The Attorney General and I recommend that you do postpone those two decisions (decisions II(B) and II(C)).

The Congressional politics of the firearms and explosives transfer are favorable, with Rodino and Kennedy in strong support, and Steed willing to go along because of his interest in the border management proposal. The position

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	FOR STAFFING
✓	FOR INFORMATION
	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND
	NO DEADLINE
	LAST DAY FOR ACTION -

	ADMIN. CONFID
	CONFIDENTIAL
	SECRET
	EYES ONLY

ACTION
FYI

	VICE PRESIDENT
	EIZENSTAT
	JORDAN
	KRAFT
	LIPSHUTZ
✓	MOORE
	POWELL
	WATSON
	WEXLER
	BRZEZINSKI
	MCINTYRE
	SCHULTZE

	ARAGON
	BOURNE
	BUTLER
	H. CARTER
	CLOUGH
	COSTANZA
	CRUIKSHANK
	FALLOWS
	FIRST LADY
	GAMMILL
	HARDEN
	HUTCHESON
	JAGODA
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	PRESS
	RAFSHOON
	SCHNEIDERS
	VOORDE
	WARREN
	WISE

	ADAMS
	ANDRUS
	BELL
	BERGLAND
	BLUMENTHAL
	BROWN
	CALIFANO
	HARRIS
	KREPS
	MARSHALL
	SCHLESINGER
	STRAUSS
	VANCE

ADMINISTRATIVELY CONFIDENTIAL

of the National Rifle Association is uncertain, but could be volatile if they see this transfer as a pro-gun control move. The ACLU and other civil liberties groups seem persuaded to go along with this modest proposal, provided no FBI-related moves are taken as part of this plan. The law enforcement community should generally support this transfer.

TIMING

The political timing for this plan seems to be a high probability of "now or never". Although the election year timing is not ideal, it is rare to have the support of Justice, Treasury, FBI, and many key Congressional actors (e.g. Rodino, Steed, and Chiles) all in support of an organizational solution to a problem that has vexed each President since Roosevelt. It is unlikely we can maintain this alliance for another 8 or 9 months.

While there is a general reluctance in each of the Government Affairs Committees to consider any additional matters this year, strong interest in drug and border matters should motivate the Senate to consider it. In the House, Chairman Rodino's support should encourage Chairman Brooks to favorably consider the plan.

Attachment

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IMMIGRATION AND BORDER
MANAGEMENT

MEMBER	COMMITTEE	POSITION	SUPPORT	PROBABLY SUPPORT	UNDECIDED	OPPOSE
Senator James Eastland	Judiciary	Chairman		X		
Senator Edw. Kennedy (Staff only)	Judiciary	Majority Member			X	
Senator Dennis DeConcini	Judiciary	Majority Member		X		
Senator Abraham Ribicoff	Gov. Affairs	Chairman	X			
Senator Charles Percy	Gov. Affairs	Ranking Minority		X		
Senator Sam Nunn	Gov. Affairs	Majority Member	X			
Senator John Glenn (Staff Only)	Gov. Affairs	Majority Member		X		
Senator Lowell Weicker	Appropri- ations Subcom. on Jus- tice and also Treasury	Ranking Minority		X		

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BORDER MANAGEMENT

MEMBER	COMMITTEE	POSITION	SUPPORT	PROBABLE SUPPORT	UNDECIDED	OPPOSE
Cong. Benj. Rosenthal	Gov. Operations	Majority Member		X		
Cong. Don Fuqua	Gov. Operations	Majority Member		X		
Cong. John Erlenborn	Gov. Operations	Minority Member	X			
Cong. John Wydler	Gov. Operations	Minority Member			X	
Cong. Clarence Brown	Gov. Operations	Minority Member	X			
Cong. Tom Steed	Appropri- ations Subcom. on Treas.	Chairman	X			
Cong. Paul Rogers	Commerce Subcom. on Pub. Health, etc.	Chairman	X			
Cong. James Broyhill	Commerce Subcom. on Pub. Health, etc.	Minority Member		X		
Cong. Charles Vanik	Ways and Means Sub- com. on Trade	Chairman		X		

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BORDER MANAGEMENT

MEMBER	COMMITTEE	POSITION	SUPPORT	PROBABLE		
				SUPPORT	UNDECIDED	OPPOSE
Cong. John Murphy	Merchant Marine and Fisheries	Chairman		X		
Cong. Peter Rodino	Judiciary	Chairman	X			
Cong. Robert McClory	Judiciary	Ranking Minority		X		
Cong. Joshua Eilberg	Judiciary Subcom. on Immigration	Chairman				X
Cong. Jack Brooks	Gov. Operations	Chairman		X		
Cong. Frank Horton	Gov. Operations	Ranking Minority	X			
Cong. L.H. Fountain	Gov. Operations	Majority Member		X		
Cong. Dante Fascell	Gov. Operations	Majority Member		X		
Cong. William Moorhead	Gov. Operations	Majority Member			X	

ADMINISTRATIVELY CONFIDENTIAL



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUN 5 1978

MEMORANDUM FOR: THE PRESIDENT

FROM: James T. McIntyre, Jr. *Jim*

SUBJECT: Law Enforcement, Border Management
and Immigration Policy Reorganizations

This memorandum has been prepared with the full cooperation and advice of Judge Bell, Secretary Blumenthal and Dr. Bourne. I understand that they concur in the substance of most or all of these recommendations.

We are requesting your decisions concerning reorganizations dealing with (1) Federal law enforcement, and (2) border management and immigration policy. These proposals were discussed with you at the briefing on April 24. As you directed, consultations have been held with Treasury, State and Justice as well as with Chairmen Rodino and Steed, Senator Nunn and other Members of Congress and their staffs.

This memorandum consists of: (1) a short statement of the decisions requested; (2) a discussion of Federal law enforcement reorganization proposals; (3) a discussion of border management and immigration policy reorganization proposals; and (4) detailed memoranda on each of the organization units affected by our recommendations.

We recommend that you approve each recommendation and authorize preparation of a reorganization plan to be sent to Congress in the summer. The matters only requiring administrative action could be put into effect at any time this year. The exact timing of reorganization plans, and administrative actions may be determined after further consultation with members of the Administration and the Congress.

Attachments

THE WHITE HOUSE
WASHINGTON

June 28, 1978

Jim McIntyre

The attached was returned in the President's
outbox today and is forwarded to you for
appropriate handling.

Rick Hutcheson

cc: Stu Eizenstat
Bob Lipshutz
Frank Moore
Zbig Brzezinski
Joe Aragon
Richard Pettigrew

BORDER MANAGEMENT



**PRESIDENT'S
REORGANIZATION
PROJECT**

WASHINGTON, D.C. 20503

c/

June 1, 1978

**PRESIDENTIAL
DECISION MEMORANDUM**

**LAW ENFORCEMENT, BORDER MANAGEMENT, AND IMMIGRATION
POLICY REORGANIZATION**

I. DECISION SUMMARY

II. DECISIONS REGARDING FEDERAL LAW ENFORCEMENT

A. Unify Explosives and Firearms Enforcement in the
Department of Justice

Transfer by Reorganization Plan the criminal enforcement, firearms and explosives functions of the Bureau of Alcohol, Tobacco, and Firearms (BATF) that are now in the Treasury Department to the Department of Justice, and create a new Bureau of Firearms and Explosives in Justice. The alcohol and tobacco taxing and regulatory functions of BATF would remain in the Treasury Department.

☒ Approve

☐ Disapprove

B. Establish a Coordination and Policy Unit for Federal
Law Enforcement in the Department of Justice

Establish by Executive Order in the Department of Justice a unit to:

- (1) Coordinate the development and monitoring of professional policies and standards for all Federal law enforcement activities;
- (2) Facilitate and coordinate the criminal law enforcement activities of all Federal Departments and Agencies;
- (3) Coordinate the activities of law enforcement units within the Department of Justice.

☒ Approve

☐ Disapprove

Hold

C. Separate State and Local Criminal Justice Information
Services From the FBI

By administrative action separate the fingerprint identification, criminal history records and National Crime Information Center (NCIC) functions of the FBI and place them in a newly created unit in the Department of Justice. This would be accomplished by an internal order of the Department of Justice.

☐ Approve

☐ Disapprove

III. DECISIONS REGARDING BORDER MANAGEMENT AND IMMIGRATION POLICY

A. Unify Border Management Functions

- (1) Create by Reorganization Plan, a new Border Management Agency within the Department of Treasury and transfer to that agency all of the functions of the U.S. Customs Service, and the functions of inspection at ports of entry and patrol between ports of entry from the Immigration and Naturalization Service.

☒ Approve

☐ Disapprove

- (2) Direct the new Border Management Agency, in cooperation with other agencies, to prepare marine and air support plans for border activities.

☒ Approve

☐ Disapprove

*I want Castillo to
continue - perhaps in an
expanded role. We need
to assuage Latin-American
JD*

B. Unify Immigration Policy Functions

- (1) Transfer by Reorganization Plan the visa issuance policy function of the Department of State to the Attorney General, while assuring that the Department of State consular officials will continue to actually process and issue visas.

☒ Approve

☐ Disapprove

Draft

- (2) Issue an Executive Order clarifying policy and coordination responsibilities with respect to refugee matters which involve proposed immigration into the United States.

☒ Approve

☐ Disapprove

*Draft according to
work we've already
done. We won't
issue it yet.*

*I want the work
backlog on INS cases
cut down. Tell Ray
to use CETA employees,
perhaps, or use other
means*

II. FEDERAL LAW
ENFORCEMENT

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

25 June 1978

TO: THE PRESIDENT

FROM: RICK HUTCHESON *Rh*

SUBJECT: Summary of Staff Comments on
Section II - Federal Law
Enforcement

NOTE: Since submitting the reorganization memo on June 12, Jim McIntyre and the Attorney General recommend that you postpone Decisions II B and II C, at the suggestion of DPS and the Vice President. Both recommendations are controversial, and can be implemented without congressional action by Executive Order. Postponing these decisions may reduce political opposition to the rest of the proposal at this time.

Regarding the rest of Section II (Decision II A):

Wexler and Pettigrew concur. Congressional Liaison has no comment.

Eizenstat recommends, without reservation, that the firearms and explosives enforcement be transferred from Treasury to Justice. "This is the least controversial proposal among agencies in the Administration and on the Hill. It will probably be vigorously opposed by the National Rifle Association, as they will see it as a step towards more effective enforcement of the gun laws. A carefully planned strategy should be developed for dealing with NRA opposition. The liquor lobby is also likely to oppose this transfer, because it will leave alcohol enforcement in a vulnerable position, open to a future move.

Blumenthal has no objection, observing that "all of the alcohol and tobacco responsibilities now performed by this Bureau would remain within the Treasury Department."

Attorney General Bell strongly concurs, and emphasizes that "this proposal is unrelated to any other proposal in the decision memo, and should be approved regardless of your reactions to the others."
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II. FEDERAL LAW ENFORCEMENT

A. Introduction

Since last July, the Reorganization Project has been conducting a comprehensive review of Federal law enforcement missions, tasks and priorities. During the course of our evaluation, we developed written survey documents to obtain detailed information from 110 Executive Branch organizations, regarding their law enforcement activities. All law enforcement agencies of the Departments of Justice and Treasury were included in the study. We reviewed previous studies, and interviewed relevant Justice and Treasury Department (and Bureau level) officials. We have consulted with State and local law enforcement groups and individuals - and Members of Congress.

This review identified 110 Executive Branch organizations involved one way or another in law enforcement activities, with 62 organizations involved in criminal investigations. The study has documented in considerable detail the fact that the Federal law enforcement effort is not coordinated among the Federal organizations, or between the Federal, State and local levels of Government. There is no Government-wide mechanism for the development of policies and priorities; standards for training and performance are almost non-existent; and existing jurisdictional overlap and duplication results in wasted resources, confusion, and ineffective operations.

This memorandum presents our recommendations for:

1. Creating a new Bureau of Firearms and Explosives in the Department of Justice by transferring functions from the Treasury Department.
2. Establishing a unit in the Department of Justice to develop and implement Federal law enforcement plans, policies, and standards.
3. Establishing State and local criminal justice information services as a separate unit in the Department of Justice.

Only the first recommendation will require sending a Reorganization Plan to Congress. The other two may be implemented through an Executive Order and administrative action later this year.

Effective enforcement of firearms and explosives laws is essential to the reduction of crime and violence. Responsibility for that enforcement is now split between Treasury and Justice. Attempts to establish Justice-Treasury investigative guidelines over the years have failed to produce results. We believe that consolidating the responsibility for policy formulation and implementation into a single department is essential to effective firearms and explosives enforcement and regulation.

B. The Programs

1. The Bureau of Alcohol, Tobacco, and Firearms (in the Department of Treasury) issues licenses to manufacturers, dealers and importers of firearms and explosives and makes inspections to insure compliance with laws and regulations. It is responsible for investigations of violations of laws relating to firearms, explosives, alcohol and tobacco and for recommendations of criminal prosecution when appropriate. The agency maintains close liaison with State and local enforcement agencies and provides assistance to them. In FY 1978, \$122.6 million and 4,140 positions have been authorized (of which an estimated \$86.1 million and 2,803 positions relate to criminal enforcement, and firearms and explosives regulation).
2. The Federal Bureau of Investigation (in the Department of Justice) investigates various crimes in which firearms are used. It also shares responsibility with BATF for enforcement of certain provisions of the explosives laws. The FBI also has responsibility for the enforcement of a wide range of Federal laws, including domestic security, terrorism and foreign counter-intelligence. The FBI maintains close liaison with State and local enforcement agencies and provides assistance to them. In FY 1978, \$529.5 million and 19,559 positions have been authorized (of which an estimated \$163.4 million and 3,845 positions relate to fingerprint identification, criminal history records and the National Crime Information Center (NCIC)).

C. The Problems

1. Duplication of Function

Both the BATF and FBI have enforcement jurisdiction for firearms and explosives violations. The FBI's firearms enforcement authority is ancillary to other jurisdiction, but primary enforcement authority for explosives violations is shared with BATF. This duplication of functions has hampered effective enforcement of these laws. Considerable confusion and misunderstanding exists concerning respective jurisdictions.

2. Problems of Coordination Cause Public Confusion

Both the BATF and FBI assist State and local law enforcement agencies in firearms and explosives matters with investigative, technical and training support. When bombings occur, both agencies often respond to the scene of the crime until jurisdiction is established, or one agency responds and later has to withdraw in favor of the other after facts have been developed to establish jurisdiction. Laboratory and other technical support is provided by each agency. This is confusing to State and local officers when they submit evidence to one agency for examination and learn later the other agency has jurisdiction. Both agencies provide training to State and local agents but there is no coordination between the agencies as to course content, or officers trained. This often results in duplication of training in some areas and little or no training in others.

3. Lack of Focal Point for Policy

There is fragmentation of policy development and enforcement strategy in the administration of firearms and explosives programs. Decision-making authority in these areas is shared by Justice and Treasury. Both Departments must be involved in any proposed firearms or explosives legislation.

D. Recommendation

1. Unify Explosives and Firearms Enforcement in the Department of Justice - Transfer by Reorganization Plan the criminal enforcement, firearms and explosives functions of the Bureau of Alcohol, Tobacco, and Firearms (BATF) that are now in the Treasury Department, to the Department of Justice and create a new Bureau of Firearms and Explosives in Justice. The alcohol and tobacco taxing and regulatory functions of BATF would remain in the Treasury Department.

The Bureau of Alcohol, Tobacco and Firearms presently has responsibilities to regulate the alcohol, tobacco, firearms, and explosives industries and to enforce criminal laws and regulations relating to these industries and the commodities they produce. Regulation of the alcohol and tobacco industries is basically a revenue/tax and collection function. Enforcement of criminal laws is not closely related to the regulation of these two industries.

Regulation of the firearms and explosives industries, and enforcement of criminal laws relating to these industries are closely related. Laws and regulations affecting these industries are based primarily on the interstate commerce powers of the Congress and have only a casual relationship to the taxing laws. Title II of the Gun Control Act of 1968 was an exercise of the taxing power of the Congress as a means of regulating certain gangster type weapons, however, it is not fundamentally a revenue producing statute.

A 1971 Treasury Department study that led to the creation of BATF, which was then a part of IRS, found "the new law enforcement missions (of BATF) are unrelated to the primary revenue collection missions of Internal Revenue Service". The same now applies to the alcohol and tobacco tax regulation functions and the unrelated law enforcement functions for firearms and explosives.

By placing all firearms and explosives regulation and enforcement in the Department of Justice, responsibility would be fixed in a single Department for the first time. Consolidation should provide a clear enforcement policy from which innovative programs

and objectives could be developed. It should result in establishment of working guidelines that will utilize the talents and resources of both the new Bureau of Firearms and Explosives (BFE) and FBI, eliminate duplication of investigative efforts, consolidate criminal intelligence systems, promote full utilization of technical equipment and facilities, and eliminate the confusion regarding jurisdiction.

The new structure would also more properly align regulatory and enforcement missions with Departments by moving the interstate commerce-related firearms and explosives functions to Justice and leaving the Revenue/Tax-related alcohol and tobacco activities in Treasury.

Finally, transfer should result in long-term reduction in costs. Opportunities exist for combined utilization of computerized systems, training facilities, laboratories, research and development, and consolidating other administrative and support services.

In reaching this conclusion, PRP considered other options. The least disruptive action (other than maintaining the status quo) is to transfer the entire Bureau of Alcohol, Tobacco, and Firearms to the Justice Department. This option would allow for consolidation of policy and decisionmaking authority for firearms and explosives in one agency, but would create fragmentation of the revenue/tax functions that are a traditional Treasury responsibility. PRP recommends against such an option.

A second option considered was to merge the criminal enforcement and firearms and explosives functions of BATF into the FBI. This would consolidate policy and decisionmaking authority into one agency and result in improved coordination of investigations. Several problems were found that mitigate against this option: a) BATF agents are in the General Schedule series and FBI agents in the Excepted Service; b) there are wide differences in grade structures; c) strong opposition could be expected from civil liberties groups who would see the move as concentrating "too much" enforcement power in the FBI; and d) the firearms and explosives regulatory activities of BATF would be incompatible with the primary investigative and historical mission of the FBI. PRP recommends against such an option.

DECISION

Unify Explosives and Firearms Enforcement in
the Department of Justice

Transfer by Reorganization Plan the criminal enforcement, firearms and explosives functions of the Bureau of Alcohol, Tobacco, and Firearms (BATF) that are now in the Treasury Department to the Department of Justice and create a new Bureau of Firearms and Explosives in Justice. The alcohol and tobacco taxing and regulatory functions of BATF would remain in the Treasury Department.

_____ Approve

_____ Disapprove

(pp. 10-19 deleted)

III. BORDER MANAGEMENT
AND IMMIGRATION
POLICY

III. BORDER MANAGEMENT AND IMMIGRATION POLICY

A. Introduction

Since last June, the Reorganization Project has been evaluating the organization of the agencies responsible for controlling the flow of people and goods across the United States borders. This portion of the memorandum presents our recommendations for:

1. Creating a new Border Management Agency in the Treasury Department, including the entire U.S. Customs Service and the inspection and patrol elements of the Immigration and Naturalization Service.
2. Developing plans for ensuring marine and air support to border interdiction efforts.
3. Centralizing responsibility for developing and implementing the United States immigration policy with the Attorney General, by transferring the visa policy-setting function of the Department of State and clarifying the responsibilities for refugee matters.

During the course of this evaluation, the reorganization staff worked closely with Dr. Bourne and relied heavily on the fact-finding and analysis of the Office of Drug Abuse Policy's border management study. PRP reviewed other past work, conducted numerous interviews, and visited headquarters and field offices of the principal agencies. PRP consulted with the agencies, relevant interest groups, and involved Members of Congress.

Effective border management is important. First, the volume of border activity is substantial and continues to grow. In FY 1977, approximately 300 million people and 80 million vehicles entered this country. Six billion dollars in duties were collected on 250 billion dollars worth of trade. Second, as a result of the publicity given to drug abuse and alien problems, greater attention has been focused on the borders. Finally, the fragmentation of Federal responsibilities at the borders has long been recognized as an organizational problem.

Numerous Congressional and other studies have proposed changes that have failed because of "turf" considerations. The Reorganization Project believes that improving the organization and management of border functions is essential to effective border control.

B. The Programs

Four agencies have principal responsibility for border control:

1. The U.S. Customs Service (in the Department of Treasury) inspects persons and cargo at ports of entry and conducts patrols between the ports to prevent illegal entry of goods. It is responsible for preventing fraud and smuggling; regulating people, carriers, cargo, and mail; collecting duties; and performing functions for 40 other Government agencies to protect agricultural, commercial, environmental, health, security, and consumer interests. The agency also maintains a small air and marine patrol force. In FY 1978, the Customs budget totaled \$405.5 million and 14,132 positions.
2. The Immigration and Naturalization Service (in the Department of Justice) inspects persons at the ports of entry and conducts patrols along land borders between the ports to prevent illegal entry of people. INS is also responsible for determining the admissibility of aliens to the country, removing aliens in violation of the law, and determining the rights and privileges of aliens lawfully in the country. The agency also adjudicates aliens' requests for changes in status, and examines applications for citizenship. In FY 1978, the INS budget totaled \$279.3 million and 10,071 positions.
3. The U.S. Coast Guard (in the Department of Transportation) is the Nation's principal maritime law enforcement agency. About 11 percent of the agency's resources are devoted to law enforcement functions, most of which involve enforcement of the 200-mile fisheries conservation zone. The rest of its resources are devoted to port safety

and security, search and rescue, boating safety, ice operations, marine science, aids to navigation, and military preparedness. In FY 1978, the U.S. Coast Guard budget totaled \$1.4 billion and 42,732 positions.

4. The Bureau of Consular Affairs (in the Department of State) is responsible for issuing visas and, in some cases, Mexican citizen border crossing cards to aliens seeking to enter the United States. Visas or border crossing cards are required for almost all persons wishing to enter the country. In FY 1978, the Bureau of Consular Affairs budget totaled \$59.5 million and 1,703 positions.

C. The Problems

1. Duplication of Functions

- (a) Both Customs and INS patrol the land borders and conduct inspections at the ports of entry. This duplication of effort and the lack of coordination between the two agencies hamper effective border control. For example, the two agencies use different radio frequencies, making communication between patrol forces difficult. They also use entirely separate systems for identifying violators at the ports of entry, a wasteful and ineffective practice.
- (b) Many persons outside the country seeking entry submit to separate screenings to determine admissibility: one by the Consul for a visa or border crossing card, and one by INS for admission at the border. Lack of coordination and clear division of responsibility between them creates waste and inconvenience because:
 - o the same information is collected several times; and
 - o the determinations of the agencies sometime conflict.

2. Duplication of Resources

- (a) Resources are divided among the several agencies with responsibility at the borders. This resource fragmentation makes it difficult to target resources to meet crises and specific needs.
- (b) Because the Coast Guard has treated its law enforcement responsibility within the 12-mile zone as a relatively low priority -- primarily responding to specific requests for assistance -- Customs has established a separate marine patrol capability. The two fleets duplicate resources. Further, they do not allocate resources most efficiently for border enforcement. Customs, with a small fleet, carries most of the burden, while the Coast Guard, with a large one, carries less. The result of this situation is inadequate protection of the coasts.

3. Inadequate Protection of Air Borders

No agency has both the responsibility and resources to protect the air borders. Customs' small fleet of aircraft is no match for high volume air traffic and the increasing technical sophistication of smugglers.

4. Conflicting Missions of INS

As stated above, in addition to its border enforcement role, INS also administers the immigration laws. Thus, at the same time it is expected to judge issues of human rights objectively, it is also expected to deter entry by undocumented aliens. These two roles are often incompatible and have resulted in the past in emphasis on the enforcement function to the detriment of the regulation function. Even today about 190,000 alien applications for changes in status are backlogged, suggesting inadequate resources and management attention devoted to this important service area.

5. Lack of Focal Point for Alien Policy Coordination

Immigration and alien regulation policy is now uncoordinated; State issues visas; Justice determines actual admission; and Labor certifies that a job is available for aliens in certain categories.


These problems result in a system of border control that is confusing, slow, and ineffective, and a system of alien regulation which is slow, uncoordinated, and, too often, insensitive to human rights.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

25 June 1978

TO: THE PRESIDENT
FROM: RICK HUTCHESON 
SUBJECT: Summary of Staff Comments on
Section III

Part 2: Unify Immigration
Policy Functions

Congressional Liaison has no comment.

Wexler and Pettigrew concur.

Eizenstat:

- o has no objection to transferring the visa issuance policy function from State to the Attorney General.
- o strongly recommends against issuing an Executive Order clarifying policy and coordination responsibilities with respect to certain refugee matters, "particularly since no details are provided of what this refugee policy would be."

"State, Justice, HEW, NSC and DPS worked together on a refugee policy earlier this year, which you approved; and new legislation is anticipated next year. It does not seem feasible or necessary to issue an Executive Order at this time."

Attorney General Bell concurs. "Clear authority in the Attorney General (for visa policy) would obviate the long-standing and currently intractable disputes between the FBI and the State Department over the admission of persons with established ties to foreign intelligence organizations... The Office of Legal Counsel has raised a question as to whether the use of reorganization authority is necessary or appropriate to place the visa issuance authority in the Attorney General... (We) are attempting to resolve this narrow question expeditiously."

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

25 June 1978

TO: THE PRESIDENT
FROM: RICK HUTCHESON *Rch*
SUBJECT: Summary of Staff Comments on
Section III

Part 1. Unify Border Management
Functions

Congressional Liaison has no comment.

Wexler and Pettigrew concur.

Eizenstat recommends that you make no decision on the proposal to create a new Border Management Agency within Treasury, until further checking is done with Congress and groups including Hispanics, AFGE, and AFL-CIO.

o This is the most controversial proposal in the plan. While it is clear that coordination and consolidation are necessary on the border, Eizenstat is concerned about placing this heavy law enforcement responsibility in Treasury:

-- It will lead to substantial criticism from Mexican-Americans, who fear that Treasury will not be sensitive to human rights. It may also be seen as a demotion of Leonel Castillo -- at a time when Hispanics are already critical of the Administration.

-- It will deplete INS of resources needed for clearing up the backlog. (INS inspection personnel have reduced the INS case adjudication backlog by 45% during duty hours not spent in inspections.)

o An alternative would be to put the Border Management Agency in Justice. One problem with this is that INS has traditionally been plagued with poor management.

o Eizenstat believes that the question of whether a Border Management Agency should be created in either Treasury or Justice is close enough to warrant further consultation, on the Hill and elsewhere. Since this proposal

will be opposed by the INS union (American Federation of Governmental Employees), Stu wants to make sure that this would not have a severe impact on Civil Service Reform.

- o If you decide to go forward with the OMB recommendation, Stu recommends that you assure in advance that Castillo remains within INS, rather than being transferred to Treasury with the Border patrol. This would minimize somewhat the anger and hostility that can be expected from Hispanics if the agency is halved.

- o Eizenstat has no objection to the proposal to direct the new Border Management Agency to prepare marine and air support plans, in cooperation with other agencies.

Blumenthal strongly concurs. Two-thirds of the new Border Management agency would be made up of the Customs Service, presently in Treasury. "I think it is vital that revenue collection remain centralized in Treasury, and I do not think the revenue collection function can be effectively separated from the law enforcement component of the Customs Service."

Attorney General Bell concurs in placing the Border Management Agency in Treasury, although Justice would prefer housing the agency itself.

Adams supports the overall proposal, and expresses satisfaction that the Reorganization Project "has fully recognized the conceptual and operational relationship between the Coast Guard and DOT," and decided against recommending transferring the Coast Guard to the Border Management Agency. Adams objects to several "inaccuracies" in the Reorganization Project decision memo:

- o "the erroneous impression that USCG has devoted practically none of its law enforcement resources to other than fisheries conservation..." Adams says that the Coast Guard has achieved a considerable and increasing success in drug interdictions from FY 73-78, and "has never failed to respond to a request from another agency."

- o "the implication that the USCG has given a low priority to law enforcement within the 12 mile zone..."

NSC:

o does not oppose transferring visa policy functions to Justice from State, although "the benefits which are likely to be realized... appear minimal."

o opposes an Executive Order clarifying refugee policy and coordination responsibility. "The Administration's first priority in this area is the passage of new, permanent legislation which would eliminate the need for such frequent use of the refugee parole authority. Any interim parole which might be required will be fully coordinated. In light of the above, the effort necessary to coordinate and issue an Executive Order does not seem warranted."

Secretary Vance:

o opposes transferring the visa policy function to INS because "foreign policy considerations which must be taken into account... make it imperative that the policy-making function be retained by State."

"Visa policy involves such foreign policy issues as, for example, the Administration's support for freedom of international travel, compliance with Basket III of the Helsinki Final Act (CSCE) and the admission and proposed activities in the US of representatives of the IRA and PLO. There are also significant foreign policy implications in the travel to the US of residents of Rhodesia, Uganda, South Africa, Eastern Europe, the Soviet Union, and many other countries. Visa policy with respect to Mexico is at the center of our foreign policy discussion with that ... country..."

The suggestion that there is duplication between visa issuance abroad and immigration inspection at the border rests on a "serious misunderstanding of how the system actually works. The consular officer abroad screens out ineligible applications and often issues visas that may be used many times. The INS inspector at the border ensures that the individual has a valid visa and that he has not done anything since the visa was issued to render him ineligible under the law." The reorganization proposal would divide the visa function between three rather than two agencies, thus compounding the coordination function.

o Secretary Vance opposes issuing an Executive Order 'clarifying policy and coordination responsibilities with respect to refugee matters... so that INS can be held accountable for planning and advising on refugee matters when they involve immigration into the US.' "This 'clarification' would appear to exclude the Department of State from refugee policy matters... I believe that our refugee policy has overriding foreign policy implications.

"There may be some merit in the suggested new Executive Order if it would clarify the responsibilities of State and Justice regarding refugee policy and preserve State's function of providing advice on foreign policy implications in the administration of immigration laws."

D. Recommendations

1. Unify Border Management Functions (a) Create by Reorganization Plan, a new Border Management Agency within the Department of Treasury and transfer to that agency all of the functions of the U.S. Customs Service, and the functions of inspection at ports of entry and patrol between ports of entry from the Immigration and Naturalization Service. (b) Direct the new Border Management Agency, in cooperation with other agencies, to prepare marine and air support plans for border activities.

Both Customs and INS now have separate patrol and port inspection units which perform comparable duties, employ similar enforcement techniques and require the same type of support systems and facilities. This duplication and the lack of cooperation between the agencies has hampered effective enforcement.

By unifying all inspection and patrol activities within a new Border Management Agency, responsibility would be fixed in a single agency for the first time. Consolidation should allow greater flexibility in responding to peak workloads and to immediate crises, promote consistency in procedures and systems, promote elimination of duplicative procedures and systems, encourage development of new techniques, and eliminate the competition and parochialism that has characterized relations between the two agencies. By reducing the number of border inspections to one per person a more convenient and timely processing of persons at ports of entry would be provided.

The new structure would also reduce the conflict of missions within INS by separating border enforcement functions, which would be placed in the new agency, from adjudicatory functions, which would remain in INS. Finally, consolidation should reduce costs. By using the Customs' computer system and communication network, the combined agency would avoid a currently planned expenditure of \$8 million in initial costs for a new computer system and \$3 million per year in maintenance and communications costs. By consolidating support and administrative personnel, more resources could be devoted to control and service functions.

To insure that the Border Management Agency is sensitive and responsive to human rights, violations of law, applicable standards of conduct, and constitutional guarantees, a separate unit would be established, reporting directly to the head of the enforcement and inspections functions, to receive, review and make recommendations on any such matters presented by the public -- citizens and non-citizens alike. In this sense, the role of this unit is analogous to that of an "ombudsman".

The new agency, which would be created by reorganization plan, would include all of the Customs Service and INS border-related enforcement functions. About 18,500 personnel and \$586 million in FY 1979 requested funds would be included.

Alternatives:

In reaching this conclusion, PRP considered other alternatives. The least disruptive option is to retain current structures and stress better cooperation among agencies. Most knowledgeable observers agree that this solution would allow organizational fragmentation to continue without any assurance of improvement. Improved coordination has been attempted for 40 years.

A second solution would be to combine all of Customs and INS into a single agency. This solution would not solve the INS conflicting missions problem, however, and would have little chance, in our view, of passing the Congress. A third solution would be to place all patrol functions in Justice and all inspection functions in Treasury. This proposal

is attractive because it builds on the existing strengths of the two Departments, and because it preserves the link between patrol and the drug and immigration areas in the Department of Justice. We do not recommend it because it would not provide the necessary coordination between inspections and patrol and would continue a fragmented system of border management.

There are two Departments which are prime candidates to house a Border Management Agency, Justice and Treasury. Both have the types of personnel, organizational framework, and management capability to house the new agency. We believe that Treasury is the better choice, however, because Treasury now manages the border regulatory functions for 40 other agencies, has a more sophisticated systems capability, and administers other revenue collection functions. Treasury also now has more resources involved in border enforcement, making it more disruptive to move Customs than the INS border units.

Furthermore, Justice is the focus of the law enforcement reorganization proposal. Consolidating border management in Justice might well cause concern that too much enforcement authority is being placed under Justice.

The principal argument for placing the new Border Management Agency in Justice is the need for coordination of border enforcement with combating entry of illegal drugs and aliens. By placing the new agency in Justice, coordination with the Drug Enforcement Administration and the remainder of INS would be enhanced. Second, the INS inspectors spend part of their time doing regulatory paperwork in their "down" or "not busy" time. Removing the inspection functions from Justice would mean that "down" time could no longer be used this way.

We do not believe these arguments are persuasive. The Departments can coordinate drug and alien with border matters more easily than they could coordinate the two aspects of border management, inspection and patrol. The current practice of filling inspectors "down" time with processing immigrant petitions is an inappropriate mixture of enforcement and adjudication and should be stopped. Better management practices should reduce the unproductive time now associated with inspections.

Marine and Air Borders:

The United States has about 96,000 miles of borders, most of which are sea borders. Yet, relative responsibilities for marine interdiction are not well-defined. The Coast Guard has not treated border enforcement within the 12-mile limit as a high priority, although it is the only Federal maritime agency fully equipped and authorized to provide marine support to Federal civilian law enforcement agencies. Consequently, Customs has been increasing its resources and activity in the area. In order to provide adequate border enforcement and avoid duplicative activity, the Coast Guard should be directed to recognize border enforcement as a high priority. Both the Secretary of Transportation (for Coast Guard) and the Secretary of Treasury (for Border Management Agency) should be instructed to plan and coordinate their activity in this area and to report back to you at regular intervals. The reports would address such issues as the relative responsibilities of the two agencies, the allocations of resources and equipment, operational plans for patrol patterns, surveillance and apprehension activities and roles, and compatible communications and other systems.

By improving coordination, we can avoid the need to further duplicate expensive hardware in both the Coast Guard and the new Border Management Agency. We can also avoid the disruption and the political obstacles that would be associated with any transfer of the Coast Guard.

Protecting the air borders involves several agencies (Defense, Federal Aviation Administration) but only Customs combats smuggling. Its response has never been adequate to meet the problem. The Border Management Agency should be directed to develop an air support plan to correct this problem.

We considered two other options. Transferring the Coast Guard to the new Border Management Agency would undoubtedly increase its attention to the enforcement mission. The Coast Guard, however, has an equally important transportation mission

and, therefore, we do not recommend a transfer. Another option is to provide more resources to Customs (Border Management Agency) to upgrade its maritime capability so that most patrols for border management purposes would be performed without reliance on Coast Guard resources. The cost of this option makes it unattractive.

Justice, Treasury, and the employee unions believe that the Border Management Agency should be operationally self-sufficient without the need to depend on another Department. To accomplish this goal, however, would require either transferring the Coast Guard or providing the Border Management Agency with substantially new resources. Because neither of these options is immediately acceptable, and because cooperative efforts initiated recently seem promising, PRP believes that the development of coordinated support plans should be attempted first.

The Department of Transportation believes that the Coast Guard can increase its attention to enforcement, particularly drug trafficking, if it is given additional personnel and operating facilities. PRP agrees that additional resources would improve enforcement but believes that the Coast Guard should attempt a reordering of priorities with existing resources.

DECISION

- (a) Create by Reorganization Plan, a new Border Management Agency within the Department of Treasury and transfer to that agency all of the functions of the U.S. Customs Service, and the functions of inspection at ports of entry and patrol between ports of entry from the Immigration and Naturalization Service.

_____ Approve

_____ Disapprove

- (b) Direct the new Border Management Agency, in cooperation with other agencies, to prepare marine and air support plans for Border activities.

_____ Approve

_____ Disapprove

2. Unify Immigration Policy Functions - (a) Transfer by Reorganization Plan the visa issuance policy function of the Department of State to the Attorney General, while assuring that the Department of State Consular officials will continue to actually process and issue visas. (b) Issue an Executive Order clarifying policy and coordination responsibilities with respect to refugee matters which involve proposed immigration into the United States.

Enforcement of immigration itself is divided between the State Department, which issues visas abroad, and INS, which determines admissibility of aliens upon arrival at the borders. The Department of Labor also plays a role in certifying applications for certain immigration preferences, and indirectly as a strong advocate for reducing immigration that would pose a threat to American workers. Each Department has its own set of regulations and procedures, and there is little coordination among them. Duplicative examinations and inconsistent rulings occur, although accurate statistical information is lacking.

Transferring responsibility to the Attorney General for policy guidance and issuance of regulations for visas would promote consistency and accountability and reduce confusion in immigration matters. Operational responsibility for visa issuance would continue in the State Department consular offices abroad.

Under the present system, non-immigrants seeking visas (of which there are almost 4,000,000 each year) fill out forms, are interviewed, examined, investigated, and issued or denied visas. If additional information is required, the Consular Officer requests supplemental data prior to the determination. If a visa is denied, only a rudimentary appeals process exists and is rarely used. About 300,000 visa applications are denied each year. At the port of entry the visa is presented to the Immigration Inspector. Except in unusual circumstances, INS has no knowledge concerning the person seeking admission

other than what appears on the foreign passport with the U.S. visa stamped in it. New forms are filled out, new interrogation takes place, but rarely is admission denied to a visa holder (only 15,000 denials a year). Nonetheless, it is the INS inspection at the port of entry which legally admits the persons to this country. INS also provides the alien a full system of administrative review to protect the rights of persons denied entry.

Under the proposed new visa system, review by Consular Officers and INS personnel overseas would eliminate the need for INS' duplicative inspection procedures at the border. This would be accomplished by permitting INS to identify to the Department of State those classes of non-immigrant visa applicants as to which INS wished to be consulted before visa issuance. We estimate that not more than five percent of the visa applicants would require such consultation. For all others, State's determination alone would be required. In cases requiring consultation, Consular approval of the applicant and INS clearance for entry would be required before issuance of the visa. State alone would continue to issue all diplomatic visas, and both State and INS approval would continue to be required for all immigrant visas.

The final step of the process overseas, in all cases, would be that State would transmit to the Border Management Agency computer system certain identifying information about each visa issued. At ports of entry, the Border Management Agency would simply verify the identity of the person and authenticity of the document before allowing entry. This would make the entry of both aliens with visas and citizens with U.S. passports subject to the same sort of expedited port of entry inspection. Computer systems would link all three agencies. A pilot project at Dulles Airport indicates that waiting time at ports of entry and passage through a port of entry would be cut almost 20 percent with such a system.

To insure consistency of approach, all regulations issued under the Immigration and Nationality Act by either Department, would be subject to approval by INS.

These changes can be accomplished by Reorganization Plan. Since visa issuance remains a State responsibility, no significant transfer of personnel is necessary, but certain support functions, involving no more than 25 people, should be transferred from State to INS.

The State Department favors the continuation of the present dual system of inspections and approvals by both INS and Consuls, arguing that there are few proven inconsistent findings, and that foreign policy concerns are so central to visa issuance that no change should be made. PRP strongly recommends elimination of the present duplication in visa issuance overseas and immigration inspection at the border. The duplication is a bureaucratic anachronism and a generator of unnecessary paper and red tape in a day of jet travel and instantaneous worldwide communications.

Refugee Policy

Earlier INS coordination with the Department of State for refugee matters involving immigration into the United States would lead to an integrated immigration policy for all legal immigration. Since the Attorney General now has the ultimate authority to grant the paroles and conditional entries necessary for most refugees to enter the United States, no actual transfers of functions are necessary. What is needed is an Executive Order clarifying refugee policy and coordination responsibilities so that the Immigration and Naturalization Service can be held accountable for planning and advising on refugee matters when they involve immigration into the United States, as an integral part of the immigration flow into the United States. At the present time, Justice, which must legally admit any refugees entering the United States, often is told of these immigration matters only after negotiations have been almost completed. State opposes any change in the current system.

DECISION

- (a) Transfer by Reorganization Plan the visa issuance policy function of the Department of State to the Attorney General, while assuring that the Department of State Consular officials will continue to actually process and issue visas.

_____ Approve

_____ Disapprove

- (b) Issue an Executive Order clarifying policy and coordination responsibilities with respect to refugee matters which involve proposed immigration into the United States.

_____ Approve

✓ _____ Disapprove

*not now - Can
draft based on
pending legislative
proposal*

E. Conclusion

These recommendations are in no way a panacea for all border-related problems; however, we believe that adopting them will result in more efficient and effective border management and a more manageable immigration service. Consolidating the two inspection and patrol systems will not only save money but also improve effectiveness by allowing more flexible response to specific problems. Coordinating marine and air interdiction should result in better enforcement with better use of scarce resources. Finally, transferring visa issuance policy functions and clarifying policy responsibilities for refugee matters should result in a more consistent and cooperative entry process. Centering a uniform immigration policy coordination function in Justice, in fact as well as in law, should allow development and implementation of a more effective immigration policy.

APPENDIX

ORGANIZATION AND PROGRAM PROFILES

- A Bureau of Alcohol, Tobacco, and
Firearms
- B Federal Bureau of Investigation
- C U. S. Customs Service
- D Immigration and Naturalization
Service
- E U. S. Coast Guard
- F Bureau of Consular Affairs
- G Bureau of Human Rights and
Humanitarian Affairs

Bureau of Alcohol,
Tobacco, and Firearms

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

I. ORGANIZATION

Bureau of Alcohol, Tobacco and Firearms (BATF),
Department of the Treasury.

Mission: BATF is responsible for enforcing and administering firearms and explosives laws, as well as those covering alcoholic beverages and tobacco products

Budget: FY - 78: \$122,600,000

Note: 1) Approx. \$36,500,000 for
Alcohol and Tobacco regulation

2) Approx. \$86,100,000 for criminal
enforcement and firearms and
explosives regulation

Personnel: FY - 78: 4,140 positions

Note: 1) Approx. 1,337 for alcohol and
tobacco regulation

2) Approx. 2,803 for criminal
enforcement and firearms and
explosives regulation

II. BACKGROUND

The Bureau of Alcohol, Tobacco and Firearms was established by Treasury Department Order. No. 221, effective July 1, 1972. The Order transferred the functions, powers, and duties arising under laws relating to alcohol, tobacco, firearms, and explosives from the Internal Revenue Service. BATF is divided into two basic functional areas: criminal enforcement, firearms and explosives regulation, and alcohol and tobacco regulation. The objectives of the criminal enforcement activity are to eliminate illegal possession and use of firearms, destructive devices, and explosives; suppress the traffic in illicit distilled (alcoholic) spirits; and to cooperate with state and local law enforcement to reduce crime and violence. The alcohol

and tobacco regulatory activity determines and assures full collection of revenue due from legal alcohol and tobacco industries; suppresses commercial bribery, consumer deception, and other improper trade practices in the distilled spirits industry; and assists other Federal, State, and local governmental agencies in the resolution of problems relating to industrial development, ecology, and revenue protection.

III. PROGRAMS

A. Alcohol and Tobacco Regulation and Enforcement

BATF is responsible for the administration and enforcement of Internal Revenue laws concerning the production, processing, distribution, and use of alcoholic beverages, alcohol for industrial use, tobacco, and other related products; enforcing the provisions of the Federal Alcohol Administration Act relating to consumer protection and trade practices in the alcoholic beverages field; formulating and developing plans, programs, and procedures for regulating those industries; controlling and coordinating regulatory enforcement activities with other Federal and State agencies and industry members; and preparing regulations, procedures and rulings relating to the legal liquor and tobacco industries regulated by the Bureau.

B. Firearms Enforcement and Regulation

BATF's firearms programs are based on three Statutory Authorities: Title I and Title II of the Gun Control Act of 1968, and Title VII, Omnibus Crime Control and Safe Streets Act of 1968.

The purposes of Title I are:

- Deny the acquisition of firearms by certain persons considered by law to be a threat to society.
- Closely regulate the manner in which firearms dealers, manufacturers, importers and collectors conduct their business and restrict the type of person who engages in the business of dealing in firearms.

- Provide support to Federal, State and local law enforcement officials in their fight against crime and violence by regulating importation and interstate traffic of firearms.

The purpose of Title II is:

- Provide strict controls over so-called "gangster type" weapons, i.e., machine guns, sawed-off rifles and shotguns, gadget-type weapons, and destructive devices; e.g., bombs, grenades, and large caliber weapons.

The purpose of Title VII is:

- Prevent felons, dishonorably discharged veterans, mental incompetents, aliens who are unlawfully in the United States, and persons who have renounced their citizenship, from receiving, possessing, and transporting firearms in commerce or affecting commerce.

BATF implements these program responsibilities by targeting on the following:

- a. Interdicting the illegal flow of arms both interstate and intrastate. This is achieved by the identification and apprehension of traffickers in firearms, their sources, distributors and associates. Emphasis is placed where local enforcement efforts are hampered by lack of State or local laws and interjurisdictional problems.
- b. Dealer Violations - Detecting violations by Federal firearms licensees which involve the unlawful supply of firearms to convicted felons or other active criminals likely to misuse firearms.
- c. Project Identification - Identifying sources of firearms used in crimes. To develop statistical data (e.g. age, type, caliber) on firearms used to commit armed violence and street crime, in order to measure the extent of the problem, and develop criminal cases against those who are involved in the illegal movement and usage of firearms.

- d. Interstate Firearms Theft - Detecting and preventing thefts of firearms and ammunition while in transit. To deny the criminal element sources of stolen firearms and to perfect criminal cases and obtain court convictions against those individuals or groups responsible for such thefts and the resulting illegal transportation, possession or receipt of such firearms or ammunition.
- e. International Traffic in Firearms - Eliminating the illicit movement of firearms and ammunition in international traffic.
- f. Organized Crime/Strike Force - Perfecting criminal investigations involving firearms violations by organized crime subjects or firearms licensees who aid and abet organized criminals in the acquisition of firearms.
- g. State and Local Assistance - Providing support to State and local law enforcement in their fight against crime and violence. This includes accepting referred firearms cases from State and local law enforcement agencies for Federal prosecution.
- h. Regulation of Firearms in Interstate and Foreign Commerce - Inspecting prior to licensing of firearms dealers, and mandatory compliance. Good records are critical to compliance investigations. Recordkeeping violations are critical since they have the potential effect of breaking the audit trail and reducing the probability of successful firearms traces. Records are examined for possible illegal acquisitions, illegal sales, purchases by criminals, and other questionable purchases.

3. Explosives Enforcement and Regulations

BATF's explosives program is based on Title XI of the Organized Crime Control Act of 1970. The purpose of the law is "to protect interstate and foreign commerce against interference and interruption by reducing the hazard to persons and property arising from misuse and unsafe or insecure storage of explosive materials."

The objectives of the explosives program are to reduce the number of criminal incidents involving the misuse of explosives; assist State or local officers in their fight against crime and violence; advance the safety and security of the public from fear of attacks on their persons and property by means of explosives; eliminate the availability explosive materials to statutorily prohibited persons; and to remove hazards to the public caused by unsafe, insecure or improper use of explosive materials.

BATF implements these program responsibilities by targeting on the following:

- a. Explosives Interdiction - Developing criminal cases against individuals or business entities willfully violating Federal laws relating to the theft, improper use, or improper storage of explosives materials. In addition, BATF assists other Federal, State, local or foreign enforcement officials in the investigations of thefts and recoveries of explosives materials by identifying the sources of such materials and initiating appropriate actions to curtail further losses from these sources.
- b. Organized Crime/Strike Force Program - Conducting criminal investigations involving explosives violations by organized crime subjects or explosive licensees and permittees who aid and abet organized criminals in the acquisition of explosives.
- c. Stolen Explosives and Recovery Program - Stemming the serious problem of explosives thefts and losses; aiding the recovery of such materials; assisting the investigative processes of criminal bombings or accidental explosions; and determining trends and establishing patterns of such thefts.
- d. State and Local Assistance - Providing support to State and local law enforcement in their fight against crime and violence. This includes accepting referred explosives cases from State and local law enforcement agencies for Federal prosecution.

- e. Explosives Regulation - Verifying the financial status of explosive license applicants to determine the existence of possible hidden ownership and past serious criminal records. The main purpose of the inspection is to keep criminals out of the legal explosives industry. In addition, compliance inspections of explosive industry member operations are conducted. Records are examined for possible illegal acquisitions, illegal sales, purchases by significant criminals and other questionable purchases. Explosives storage facilities are inspected for compliance with laws and regulations. Since the mining industry consumes the vast majority of explosives in the United States, the Mining Enforcement and Safety Administration (MESA) in the Department of Labor conducts inspections of explosives operations and facilities connected with mining operations, pursuant to a 1971 memorandum of understanding between MESA and BATF.

Federal Bureau of
Investigation

B

FEDERAL BUREAU OF INVESTIGATION

I. ORGANIZATION

Federal Bureau of Investigation (FBI), Department
of Justice

Mission: The FBI is the principal criminal investigative arm of the Federal Government. It is responsible for the investigation of Federal criminal statutes, of civil matters in which the United States has an interest, and of foreign intelligence activities relating to National security. The FBI law enforcement support functions include operations of laboratories; providing training for Federal, State and local law enforcement agencies; operating a repository for fingerprint identification and criminal history records; and operation of the National Crime Information Center (NCIC).

Budget: FY - 78: \$529,454,000

(Approximately \$163,383,000 of which is for the fingerprint identification, criminal history records and NCIC)

Personnel: FY -78: 19,559 positions

(Approximately 3,845 for fingerprint identification, criminal history records and NCIC)

II. BACKGROUND

The FBI was designated the Federal Bureau of Investigation by Congress in 1935, having evolved from the "Bureau of Investigation" which was established in 1908 as the investigative arm of the Department of Justice. It is charged with the duties of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party of interest, and performing other duties imposed upon it by law and/or Presidential directive. The FBI is a centrally managed

organization with broad coordination of activities directed from Headquarters in Washington, D.C.

Organizationally, the FBI consists of ten (10) Headquarters Divisions, 59 Field Offices, and almost 500 Resident Agencies located throughout the fifty states. The FBI has approximately 8,200 Special Agents charged with performing investigative duties and slightly over 11,100 service and support personnel. Over 90 percent of the Bureau's Agent strength is assigned to field operations. Legal Attache Offices are maintained in 13 foreign countries. Personnel of these offices are for liaison with foreign law enforcement agencies to coordinate information and assistance.

The FBI is now charged with jurisdiction in investigating some 135 general categories covering the broad spectrum of criminal, organized crime, civil rights, white collar crime, internal security, foreign counterintelligence and sensitive background investigations. The FBI has not generally absorbed segments of other bureaus or agencies during its history, but its investigative responsibilities have been significantly expanded since 1934. Major changes having impact on internal organization include the following:

- o The FBI Identification Division was established in 1934. From an initial repository for approximately 810,188 identification records and a personnel complement of 39, the number of records on file now has increased to over 167 million, and the number of employees to over 3,000.
- o The FBI Laboratory was officially established in 1932. This facility conducts examinations of evidence in criminal cases not only for Federal investigators, but also for local police agencies. FBI Examiners appear as expert witnesses in both Federal and local courts regarding their findings, with services rendered at no cost to the requesting police agency.
- o In 1935, the FBI National Academy was founded to provide advanced courses of instruction to career members of the law enforcement profession. This service is provided by the FBI's Training Division which is also responsible for training the Bureau's own personnel. Major restructuring of the Training Division occurred in 1965 after Congress approved financing of a new FBI Academy at Quantico, Virginia. This facility was first occupied

in May, 1972, and has the capability to train 9,000 to 10,000 students per year.

- o During the early and mid 1930's, the FBI's jurisdiction was significantly expanded by a series of laws to include kidnapping and extortion statutes, the Federal Bank Robbery Act, the National Stolen Property Act and the Anti-Racketeering statute. In 1939, President Roosevelt designated the FBI as the clearinghouse and coordinating agency for all matters bearing on the Nation's internal security.
- o Prior to 1961, the FBI had very limited jurisdiction with respect to organized crime and two of its major sources of illicit revenue: gambling and loan-sharking. Three statutes approved by the President in 1961, charged the FBI with investigating interstate transportation of wagering information, interstate transportation of wagering paraphernalia, and interstate travel in aid of racketeering. These were followed in 1964, by laws prohibiting sports bribery; in 1968, by another Federal law banning extortionate credit transactions; and in 1970, by a statute aimed at large intra-state gambling organizations, hoodlum infiltration of legitimate business, and the bribery of local officials in gambling matters.

The FBI today remains the principal investigative arm of the Department of Justice. In this regard, greater attention is being afforded white collar crimes, corruption, concealment, breach of trust, subterfuge and deceit practiced by persons who hold positions of responsibility in commerce and industry, and in government and the professions. Emphasis is also placed on organized crime and foreign counterintelligence investigations.

III. PROGRAMS

1. Investigative Operations

The FBI's jurisdiction includes a wide range of responsibilities in the criminal, civil, and security fields. Among these are espionage, sabotage, and other domestic security matters; kidnapping; extortion; bank robbery, interstate transportation of stolen property; civil rights matters; interstate gambling violations; fraud

against the Government; and assault or killing the President or a Federal officer. The FBI's investigative jurisdiction and activities are categorized as follows:

- a. Organized Crime - Organized Crime is defined by the FBI as the more lucrative, continuing types of racket activities, involving some sort of formalized structure, and generally requiring either graft or corruption to conduct its operations without interference. The objectives of the anti-organized crime program are to systematically and progressively curtail the sphere of organized crime influence and to reduce its impact on the social and financial framework of American society.
- b. White-Collar Crime - These crimes are generally defined by the FBI as those illegal acts characterized by deceit, concealment, violation of trust and not dependent upon the application or threat of physical force or violence. The primary objective of the anti-white-collar crime program is to provide investigative support to the Department of Justice.
- c. Civil Rights - The Civil Rights Program of the FBI generally addresses those investigative matters which involve the actual or attempted abridgement of rights granted to citizens and inhabitants of the United States under the Constitution or laws of the country. Included are violations of rights against racial or sexual discrimination under the Fifth and Fourteenth Amendments; violations of the First and Fourteenth Amendment rights of free speech, freedom of the press and religion, and freedom from violation of Fourth Amendment and other fundamental Constitutional guarantees.

- d. General Property Crimes - The General Property Crimes Program of the FBI consists principally of thefts from interstate shipments, interstate transportation of stolen property, the interstate transportation of stolen motor vehicles and the destruction of aircraft or motor vehicles. This program is designed to target, organize, and execute field investigative efforts against major property crimes.
- e. Personal Crimes - The Personal Crimes Program of the FBI consists of a group of reactive investigative matters involving threatened or actual personal injury or loss of human life, such as kidnapping. The primary objective is to provide the necessary and immediate response to prevent personal injury and, secondly, to resolve those matters where the violation is an established fact.
- f. Domestic Security - International Terrorism - The Domestic Security - International Terrorism Program of the FBI consists of two groups of investigative matters involving domestic and foreign-based acts of terrorism. One group involves the investigation of terrorist individuals or groups, and is preventive in nature. The other is reactive and deals with terrorist acts after they take place.
- g. Fugitive Program - The Fugitive Program of the FBI involves locating and apprehending both Federal fugitives and those local fugitives for whom Federal assistance has been requested.
- h. General Government Crimes - These crimes encompass theft or destruction of government property and crimes on government or Indian reservations or real property.
- i. Applicant-Employee Security and Special Inquiry Program - The program consists of investigations of a background nature conducted pursuant to statute, Executive Order, or other governmental requests, designed primarily to develop necessary information regarding an individual's character, reputation, associates, loyalty, and qualifications.

- j. Civil Investigations - The principal responsibility of the FBI in the Antitrust and Civil Matters Program is to support, through investigative activity, the obligations of the Lands Division, Civil Division, and Antitrust Division of the Department of Justice, and the United States Attorneys.

2. Foreign Counterintelligence (FCI)

The Foreign Counterintelligence Program investigates acts which involve hostile intelligence services when directed against the United States. The objectives of its FCI program are:

- a. To counter within the United States the hostile operations of foreign intelligence services and to prevent espionage and other unlawful activities by or on behalf of foreign powers.
- b. To conduct activities in support of foreign intelligence collection requirements of other agencies.
- c. To collect foreign intelligence in the United States when requested by appropriate officials of the U.S. Intelligence Community.
- d. To disseminate foreign intelligence and counterintelligence information to other intelligence agencies.

3. Law Enforcement Support Services

- a. Forensic Crime Laboratory - The FBI Laboratory is the largest crime laboratory in the United States, and provides scientific examinations and expert witness testimony in criminal matters for the FBI, other Federal agencies, and State and local law enforcement agencies. During Fiscal Year 1976, approximately 30 percent of the scientific examinations conducted in the laboratory were performed cost-free for agencies other than the FBI. The FBI also trains personnel in local and State crime laboratories and sponsors national symposia on crime laboratory developments. An active research program is also being pursued in the

biological, chemical and physical sciences to develop new methods and techniques for the examination of evidentiary material.

- b. Law Enforcement Training - The FBI offers a diversity of training and education programs to other Federal, State and local law enforcement personnel as well as its own FBI Agents and support personnel at the FBI Academy, Quantico, Virginia, and throughout the country. Assistance is provided in direct response to requests from local and State law enforcement agencies. In 1976 the FBI created a management institute for police executives known as the FBI National Executive Institute. The National Academy Program continues to train police officers at all levels from the entire United States. Throughout the year various symposia on matters of National significance in the field of police training are conducted at the FBI Academy.

All FBI Agents receive intensive training at the FBI Academy initially, as well as periodic in-service training. In addition, training programs are conducted for service and support personnel at FBI Headquarters and in the field divisions. The FBI offers training to State and local law enforcement officers on a cost-free basis when requested.

- c. Fingerprint Identification and Criminal History Records - The FBI is the central U.S. repository for fingerprint cards submitted by law enforcement agencies, governmental agencies, and private citizens for identification purposes. It is the largest fingerprint repository in the world, containing 165,727,564 fingerprint cards as of February 1, 1977. During Fiscal Year 1976, the FBI received 5,645,938 sets of fingerprints for processing, principally from State and local governments.

- d. National Crime Information Center (NCIC) - NCIC is a computerized information system established as a service to all law enforcement agencies - local, State, and Federal. The system involves computers, data transmission, terminals, and personnel within all cooperating agencies.

NCIC serves as a computerized index of criminal justice information to assist criminal justice agencies in performance of their responsibilities. The index is now serving all of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico and Canada. It also directly serves certain highly-populated metropolitan areas.

The FBI receives advice concerning NCIC policy and operations from the NCIC Advisory Policy Board, composed of senior criminal justice administrators from all regions of the Nation.

There were 6.2 million records in the NCIC as of February 1, 1977, of which about 80 percent related to stolen property, (vehicles, license plates, guns, securities, boats, and other serialized articles). About 17 percent related to criminal histories and the balance to wanted persons.

o Breakdown of Records in NCIC Computer (2/1/77)

- Computerized Criminal Histories	1,008,343
- Wanted Persons	130,377
- Missing Persons	11,660
- Securities (stolen)	1,843,083
- Guns (stolen, missing or recovered)	1,117,340
- Articles (stolen)	955,031
- Motor Vehicles (stolen)	817,754
- License Plates (stolen)	261,004
- Boats (stolen)	12,394
	<hr/> 6,156,986

C

U. S. CUSTOMS SERVICE

I. ORGANIZATION

U.S. Customs Service

Department of the Treasury

Mission: The fundamental mission of the U.S. Customs Service is to enforce the laws against the smuggling of contraband; to assess, collect, and protect the revenue through the levying of import duties and taxes; and to control carriers, persons and articles entering or departing the United States.

Budget: FY - 78: \$405,474,000

Personnel: FY - 78: 14,132

II. BACKGROUND

Customs was established in 1789 to protect the Nation's borders against threats to commerce, security and safety. In 1875 Customs became a division within Treasury and in 1927, a bureau.

The Customs Service is comprised of approximately 15,000 employees assigned to over 300 offices throughout the United States and at various overseas locations. The field organization consists of nine geographical regions with headquarters in Boston, New York, Baltimore, Miami, New Orleans, Houston, Los Angeles, San Francisco, and Chicago. Within these regions are 45 district/area offices. The foreign field offices are located in: Montreal, Mexico City, London, Paris, Bonn, Frankfurt, Rome, Hong Kong, Tokyo, and Taipei.

To accomplish its mission requirements, the Customs Service performs the following tasks:

Examines and clears carriers, persons, and merchandise consistent with requirements for the assessment and collection of Customs duties, taxes, and fees.

Assesses fines and penalties to insure compliance with Customs and other laws and regulations applying to international trade and commerce.

Detects and prevents smuggling and other illegal attempts to introduce prohibited articles, narcotics, drugs, and other contraband into the United States.

Detects and investigates illegal activities in order to apprehend violators and otherwise reduce, prevent, and deter violations of the laws and regulations enforced by Customs.

Administers and enforces more than 400 other laws and regulations relating to international traffic and trade for some 40 government agencies.

III. PROGRAMS

A. Inspection and Control

In enforcing the provisions of the Tariff Act as well as over 400 other laws for 40 other agencies, the inspection and control activity must: a) accommodate the demands of expanding passenger and cargo workloads while maintaining the appropriate enforcement level; b) open new ports of entry or expand service at existing ports to meet the needs of the travelling or importing public, and growing international trade; c) tailor the conduct of mission responsibilities to achieve maximum utilization of resources with minimum disruption of international trade and travel patterns. The inspection and control program includes the cargo and passenger processing functions.

1. Cargo Processing

Cargo Processing entails:

- a. control of the carriers transporting merchandise to and within the U.S. until final Customs clearance;
- b. examination and inspection of imported merchandise;

- c. control of cargo movement from port to port within the U.S. until final clearance;
- d. storage of merchandise until it enters the commerce of U.S. or is exported;
- e. protection of cargo from theft before clearance;
- f. enforcement of the Tariff Act and other agency requirements.

These tasks are performed at 300 U.S. ports of entry, where the volume of carriers and cargo has tripled since the 1950's.

2. Passenger Processing

The main objective of passenger processing is to expedite legitimate travel while enforcing the U.S. border laws and regulations.

The Customs Inspector must be familiar with these laws and regulations and must exercise good judgment in their application. Selectivity is a key to inspecting arriving persons. In determining high risk passengers, the inspector utilizes profiles and intelligence, training, and experience. The Treasury Enforcement Communications System (TECS) is available through computer terminals at most ports of entry to assist the inspector.

Customs also uses 150 "detector dog" teams, consisting of a handler and dog, at 43 Customs locations, as a narcotic interdiction screening mechanism. A detector dog team can reduce the average time to inspect a suspect vehicle from 20-30 minutes to 4-6 minutes. In the cargo processing area, a team can screen 1,000 packages an hour, greatly reducing the time required for an inspector to process cargo through Customs.

B. Patrol

Since 1973, the Customs Patrol has both provided port security and patrolled between ports of entry. Between 1948 and 1973 the Customs Patrol suspended its patrol activity between ports of entry, and only provided port security. The permeability of U.S. Borders, the mobility of traffickers, and the prerogative of traffickers to choose time, place, and mode of smuggling dictate that the Patrol maintain a high degree of mobility in order to meet the smuggling threat where and when it appears. The patrol function in Customs includes air, land, and sea programs.

1. Air Program

The purpose of the air program is to interdict and deter smuggling attempts by aircraft. The major focus of this program has been along the southwest border. Customs has established air units at San Diego, Tucson, El Paso, San Antonio, New Orleans, and Miami. These units have a mix of fixed and rotary wing aircraft of high and low speed. The air units and aircraft are equipped with a variety of sensor equipment such as: radar, tracking devices, and Forward Looking Infrared Radar (FLIR). The air units work closely with other enforcement organizations such as DEA to obtain the information necessary to carry out a successful tactical air interdiction plan. A U.S. Air Force AWACS system is presently being used on an experimental basis to provide radar support to border operations.

2. Land Program

The purpose of the land patrol program is to prevent the entry of contraband between the ports of entry. In view of the vast extent of U.S. land borders and the relatively small size of the patrol force, it is the objective of the land program to attempt to target specific border areas and operations rather than to place total reliance on routine patrol. The land patrol relies on advance information and a variety of technological devices such as sensor systems and night vision devices to aid in accomplishment of its mission.

3. Marine Program

Customs has deployed a number of small craft on the Atlantic, Pacific, and Gulf Coasts in order to prevent smuggling by sea. The patrols work with the Coast Guard, DEA, and State and local enforcement agencies to conduct special operations and to react to specific intelligence on smuggling threats within the coastal waters of the United States.

C. Investigations

Customs investigates violations of Customs and related laws and regulations, including potential frauds against the revenue and fact-finding investigations to develop information for use by other offices.

D. Duty Assessment-Entry Processing

1. Duty Determination and Collection

Customs is responsible for the assessment of duties and, at the same time, maintaining enforcement and service to the public. The program utilizes Customs laboratories in the analysis of imported merchandise to determine with accuracy the duty owed to the United States.

The Administration of the Trade Act of 1974 authorizes the lowering or elimination of duties to certain developing countries and providing domestic relief from unfair import practices and injurious import competition. This requires the Customs officer to function in areas such as: trade analysis, statistical reporting, quota administration, and complex classification and value questions.

2. Antidumping/Countervailing Duty

The Antidumping and Countervailing Duty Acts were enacted by Congress to protect domestic industry from unfair trade practices, i.e., importing goods into the U.S. at less than fair value or subsidizing exports to the U.S.

In enforcing this Act, Customs conducts fact-finding investigations in foreign countries and the U.S. The data for each case is then analyzed and recommendations for disposition are developed. The process involves coordination with Treasury, foreign manufacturers and exporters, domestic manufacturers and other interested persons.

3. Entry Admissibility

Customs is responsible for insuring that the admission of certain articles, (e.g., trade-marked goods) whether restricted or prohibited, is controlled. In addition, other merchandise is subject to specific quota limits or higher rates of duty when a certain quantity of importation is reached.

4. Regulatory Audit

The Customs Regulatory Audit Program is designed to implement Customs compliance by selectivity approach. It provides Customs with the capability to verify transactions and related claims of importers, carriers, exporters and their agents by means of on-site audits of appropriate records, accounts, and statements.

E. International Operations

Customs participates in international activities directly with foreign countries, and other international organizations. The program includes both:

1. International Organizations

Customs implements and carries out the functions and requirements of the membership of the U.S. in various international and intergovernmental bodies including the: Customs Cooperation Council, Economic Commission for Europe, Intergovernmental Maritime Consultative Organization, International Civil Aviation Organization, and the Organization of American States.

2. Training of Foreign Customs Officers

Customs offers training in narcotics interdiction to foreign officials involved in border enforcement responsibilities. The training is conducted under the U.S. International Narcotics program with funding provided by the Department of State. All levels of foreign officials participate in the training.

Immigration and
Naturalization Service

D

IMMIGRATION AND NATURALIZATION SERVICE

I. ORGANIZATION

Immigration and Naturalization Service (INS)

Department of Justice

Mission: INS is responsible for administering the immigration and naturalization laws relating to the admission, exclusion, deportation, and naturalization of aliens. The basic governing statute is the Immigration and Nationality Act of 1952, as amended.

FY 78 Budget: \$279,337,000

Note: \$129,852,000 for inspection/patrol activities; \$149,485,000 for regulatory/administrative law functions.

FY 78 Personnel: 10,071

Note: 4,297 inspection/patrol activities; 5,774 for regulatory/administrative law functions.

II. BACKGROUND

Prior to the enactment of the first general immigration law in 1882, there was no Federal agency to supervise immigration. In 1891, Congress created a Superintendent of Immigration in the Department of the Treasury. In 1903, immigration functions were transferred to the Secretary of Commerce and Labor. In 1906, Congress provided for Federal supervision of naturalization, and the Bureau of Immigration became the Bureau of Immigration and Naturalization. In 1932, the functions were transferred to the new Department of Labor and operated as two Bureaus: one for Immigration and one for Naturalization. These Bureaus were consolidated in 1933. In 1940, the functions were transferred to the Department of Justice and placed under the supervision of the Attorney General.

In 1924, the U.S. Border Patrol was created; it functioned independently for a short time in the Department of Labor before being rejoined with the immigration and naturalization functions in one Bureau.

Administration of our immigration laws is shared by three Departments: Justice, Labor, and State. The State Department, through the visa issuance process, assures that immigrants and non-immigrants (temporary visitors) are eligible to come to this country. The Department of Labor certifies the work qualifications and the labor market needs related to immigrants. The INS of Justice has primary responsibility for all other immigration programs. INS is divided into two major functional areas: enforcement of immigration laws at the border, and administering the primarily regulatory aspects of the law. The latter area involves a number of programs of a direct service nature to the public.

III. PROGRAMS

INS has two major functions relating to border control: Inspections and Border Patrol.

A. Border Control

1. Inspections - Immigration inspectors now examine persons seeking admission to the United States at the ports of entry to determine admissibility under the immigration laws. Immigration inspectors must perform their function quickly enough to facilitate the entry of U.S. citizens, bona fide immigrants, tourists, and other non-immigrants. At the same time, they must be able to identify and reject aliens who are not admissible under the law: terrorists, other criminals, and aliens who rely on misrepresentation or fraud to gain entry.

Budget: 1,717 positions and \$48,037,000

2. Border Patrol - The United States Border Patrol was established in 1924 and is a corps of uniformed officers who guard our land borders between ports of entry with the primary mission of preventing the entry of persons in violation of immigration laws. The Border Patrol functions involve the gathering of intelligence, watch of river, land, and coastal borders, check of transportation terminals, traffic check on highways leading from the border, observation by aircraft, and checks of farms, ranches and

industries in the border area. The Patrol also serves as prosecuting officer in criminal prosecutions of immigration law violators which it has apprehended.

The Border Patrol operates its own fixed wing aircraft and helicopters, its own complex, remotely controlled sensor system, and its own communication system linking the entire border. Border Patrol agents, while pursuing their primary mission of immigration law enforcement, also apprehend violators of other laws and intercept narcotics, arms, ammunition, and other contraband.

Budget: 2,580 positions and \$81,815,000

B. Regulation/Administrative Law

These functions relate to the control over aliens within the country and the various programs relating to the exercise of administrative law and attendant services to the public.

1. Adjudications - INS must make decisions on 31 different types of applications for benefits under the immigration laws. These include applications by aliens temporarily in the United States who desire extension of their authorized stay; a change from one temporary visitor status to another; adjustment to permanent resident status; applications for certain documents required by law; requests filed by prospective employers, or by an alien's close relative who is a citizen or permanent resident of the United States to permit the alien to immigrate to this country; and the issuance of border crossing cards to Mexican nationals wishing to visit border areas within the United States.

Adjudications are made which involve the exercise of considerable discretion. Most INS decisions are subjected to appellate review. Because of workload pressures and the enormous paperwork involved, about 45% of all adjudications are performed by Inspections personnel at ports of entry.

Budget: 909 positions and \$24,679,000

2. Naturalization - At proceedings held in Federal courts, INS officers make recommendations for the granting or denial of citizenship following interviews and background checks of persons who have applied and have met the legal requirements. Approximately 200,000 persons are granted U.S. citizenship annually.

INS officers also must pass upon applications for Certificates of Citizenship from persons who claim to have acquired U.S. citizenship through one of several ways: birth abroad to citizen parents; through the naturalization of one or both parents, or through marriage prior to September 22, 1922, to a U.S. citizen.

Budget: 526 positions and \$12,546,000

3. Records and Public Information - The Service maintains approximately 45 million records, almost all presently manually maintained, relating to permanent resident aliens, aliens temporarily residing in the United States and persons naturalized or receiving derivative citizenship. Annual address reporting requirements are legally required for the approximately six million aliens estimated to be residing in the United States. A variety of related public information services are also provided to the public.

Budget: 1,161 positions and \$18,724,000

4. Investigations - Approximately 900 criminal investigators, aided by support personnel, conduct case work investigations involving fraud and other violations of immigration law, and also apprehend aliens illegally in cities and locations away from border areas. Investigators detect complex schemes to circumvent the immigration laws: sham marriages to citizens or lawful residents of the U.S., and the use of altered, forged, counterfeit or fraudulently obtained visas, passports, birth certificates and other documents. Investigators also develop material used in prosecution of various violations of the immigration and nationality laws. In addition,

investigators conduct background investigations to gather supporting material related to applications for benefits under the law.

Budget: 1,481 positions and \$40,441,000

5. Detention and Deportation - The INS Detention and Deportation program deals with alien persons illegally in the United States from the time of their apprehension through removal from the United States. This is accomplished through an extensive alien detention, transportation and removal network.

The Service maintains four permanent detention facilities: three along the Southwest border and one in New York City. In other locations, other Federal facilities or local jails are utilized for detention.

To carry out the provisions of the I & N Act covering deportability and excludability, deportation hearings are conducted by immigration judges. These individuals function independently of INS, but are housed within the agency for administrative purposes. The government's case is presented by INS attorneys. Decisions of immigration judges are appealable to the Board of Immigration Appeals, a quasi-independent, non-statutory body within the Department of Justice. Over 50,000 hearings are conducted annually, leading to about 30,000 formal deportations. The vast majority of the some 800,000 aliens found in illegal status each year choose to voluntarily depart, either before or after a hearing.

Budget: 1,081 positions and \$37,418,000

C. Other Functions

INS has numerous other functions which are interwoven into the fabric of major border control and regulatory/administrative law programs. These include: the intelligence program; the Alien Documentation, Identification and Telecommunication (ADIT) program; the construction and engineering program; research and development, and training.

Budget: Approximately 616 positions and
\$15,677,000

Immigration and
Naturalization Service

U.S. Coast Guard

E

UNITED STATES COAST GUARD

I. ORGANIZATION

United States Coast Guard (USCG)

Department of Transportation

Mission: USCG is the only Federal agency with plenary jurisdiction over all violations of Federal laws upon the high seas and waters over which the United States has jurisdiction.

Budget: FY - 78: \$1,417,400,000

Note: Of this total \$912,061,000 is for operating expenses including \$102,151,000 for enforcement of laws and treaties

Personnel: FY - 78: 42,732

Military: 37,193

Civilian: 5,539

II. BACKGROUND

First established in 1790 as the Revenue Marine Cutter Service, the Coast Guard is the Nation's primary maritime law enforcement agency. Its jurisdiction encompasses all violations of Federal laws upon the high seas and waters over which the United States has jurisdiction. These waters include the internal waters of the United States; the three mile territorial sea; the twelve mile contiguous zone for customs and immigration; the 200 mile fisheries conservation zone; and the high seas beyond the territorial sea.

The provisions of 14 U.S.C. 2 state that the Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws upon the high seas and waters subject to the jurisdiction of the United States, and under 14 U.S.C. 89 the Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests to enforce those laws.

For such purposes, commissioned, warrant, and petty officers may at any time go on board any vessel subject to the jurisdiction of the United States and under 14 U.S.C. 89 the Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests to enforce those laws. For such purposes, commissioned, warrant, and petty officers may at any time go on board any vessel subject to the jurisdiction, or to the operation of any law of the United States, address inquiries to those on board, examine the ship's documents and papers, and examine, inspect, and search the vessel and use all necessary force to compel compliance. The section goes on further to outline the authority to arrest persons and seize the vessel if a breach of the laws of the United States has occurred. In addition to the authority outlined above, sections 14 USC 143 and 19 USC 1401(1) designate Coast Guard commissioned, warrant, and petty officers as "officers of the customs." Under 14 USC 141 the Coast Guard may, when so requested by proper authority, utilize its personnel and facilities to assist any Federal agency, State, Territory, possession, or political subdivision thereof, or the District of Columbia, to perform any activity for which such personnel and facilities are especially qualified. The Coast Guard may also avail itself of the facilities and personnel of the organizations listed above.

The Coast Guard is organized into twelve districts encompassing the fifty States, and all U.S. territories and possessions. East Coast and Gulf districts are under the operational control of the Commander, Atlantic Area, while West Coast districts are under the operational control of the Commander, Pacific area. Within each of the twelve Coast Guard districts, the District Commander controls all operations.

The Coast Guard operates 253 cutters over 65 feet in length and approximately 1800 smaller vessels. The Coast Guard also maintains 24 air stations throughout the United States and Puerto Rico to provide air support to its operations. This support consists of 55 fixed wing aircraft and 115 helicopters.

III. PROGRAMS

Coast Guard operations account for 63 percent of its total budget. To carry out its duties the Coast Guard employs multi-purpose vessels, aircraft, and shore units, strategically located along the coasts and inland waterways of the United States and in selected areas overseas.

1. Search and Rescue - Most Coast Guard operating facilities have the capacity for promoting safety on or over the high seas and on waters subject to the jurisdiction of the United States. The Coast Guard performs acts necessary to rescue and aid persons and save property threatened with loss or damage by marine and aircraft accidents, floods, and ice conditions.

This mission includes minimizing loss of life, injury and property damage by providing aid to persons and property in distress on, over, and under the high seas and waters under the jurisdiction of the United States. This includes cooperation with other governmental organizations (Federal, State, and local) to carry out activities in international waters where appropriate in furthering national policy, and to assure efficient utilization of public resources.

Budget: 12,989 positions and \$281,827,000

2. Aids to Navigation - A network of manned and unmanned aids to navigation is maintained along our coasts and on our inland waterways to insure the safe passage of marine traffic. LORAN stations are operated both in the United States and overseas to serve the needs of the armed services and marine and air commerce. Administrative control is exercised over the construction, maintenance, and operations of bridges across navigable waters of the United States to insure the safe and unobstructed passage of water traffic. Included in aids to navigation are the Coast Guard's domestic ice operations which are performed by specially constructed icebreakers and cutters. The overall purpose of providing navigational aids is to facilitate the safe and expeditious passage of marine traffic in coastal areas, inland waterways and harbors.

Budget: 10,810 positions and \$231,663,000

3. Marine Safety - The Coast Guard insures compliance with Federal statutes and regulations governing the merchant marine industry by reviewing plans and specifications for the construction or alteration of merchant vessels; by periodic inspections; by licensing; and by setting standards, procedures, and practices under which merchant marine personnel

are licensed and regulated. The Coast Guard minimizes the risk of fatalities, injuries, and property damage associated with the operation of recreational boats through a boat safety standards program, boater information, education and compliance programs, support of the Coast Guard Auxiliary, and increasing financial and technical support for individual State boating and safety programs. Also, under statutory requirements the Coast Guard must safeguard and secure U.S. ports and waterways and thereby improve their economic utilization and assure their availability in time of national emergency.

- o The objective of the Commercial Safety Programs is to minimize deaths, personal injuries and property loss or damage associated with vessels and other facilities engaged in commercial, scientific or exploratory activity in the marine environment. This is pursued through the administration of Federal laws, the development and enforcement of Federal standards, and the implementation of international agreements.
- o The purpose of the Boat Safety Standards Program is to minimize the risk of loss of life, personal injury, and property damage associated with the use of recreational boats to provide the boaters with maximum safety on the nation's waterways. In addition, Coast Guard boating safety personnel maintain liaison contacts with the States, train State personnel, and coordinate Federal/State programs to encourage State participation in boating safety programs.
- o The mission of the Port Safety Program is to safeguard the nation's waterways, port facilities and vessels, persons, and property in the vicinity of the ports from accidental or intentional destruction, damage, loss or injury. Its mission is also to protect the navigable waters and adjacent shore area and resources of the United States from environmental harm.

Budget: 6,533 positions and \$139,545,000

4. Marine Environmental Protection

Under various laws, international agreements, and conventions, the Coast Guard is charged with the prevention of damage to the marine environment and the enhancement of environmental quality.

The purpose of this program is to maintain or improve the quality of the marine environment. Another major concern is to minimize the danger caused by pollutants discharged into the marine environment by trying to provide efficient, coordinated, and effective action in response to the dumping or discharging of oil or hazardous substances into the waters along the coastal area.

Budget: 2,009 personnel and \$39,219,000

5. Enforcement of Laws and Treaties - Marine enforcement of laws and treaties is accomplished by cutters and aircraft conducting patrols to enforce the terms of international agreements and Federal laws governing the high seas and waters over which the U.S. exercises jurisdiction. This includes but is not limited to the enforcement of Federal laws and international agreements related to fisheries, the protection of marine mammals, the exploitation of natural resources, and the smuggling of narcotics and illegal aliens.

The following is a summary of Coast Guard maritime law enforcement operations:

Operations in the southeast United States including the Atlantic, the Gulf of Mexico and the Caribbean:

- o Surface Law Enforcement Patrol. (SURLEPAT) - These surface patrols are conducted by a single vessel, either a 210' medium endurance cutter or an 82' patrol boat, and are primarily conducted in the Florida straits - Windward Passage area and in the waters surrounding Puerto Rico. Vessel traffic is reported and law enforcement boardings are conducted.
- o Multi-Unit Law Enforcement Patrol (MULEPAT) - This is a multi-unit version of SURLEPAT that usually consists of a 210' medium endurance cutter, with helicopter embarked, and one or more 82' patrol boats supported by land-based aircraft. These patrols operate in various areas of interest such as Mona Passage and Windward Passage, based on available intelligence information.

- o Yucatan Patrol (YUCPAT) - This is a random scheduled patrol conducted by a 210' medium endurance cutter with helicopter embarked. The patrol operates in the Yucatan channel for monitoring vessel traffic and conducting law enforcement boardings as appropriate.

Airborne surveillance flights are conducted intermittently to detect violations and report on any suspect vessel activity. The flights utilize rotary and fixed wing aircraft and concentrate along the Southeast and Gulf coasts of the United States, Puerto Rico, and the isolated cays of the Bahama Islands.

- o Multi-agency (primarily Customs, DEA and Coast Guard) operations are conducted periodically in the Gulf of Mexico and Caribbean areas.

Operations along the West Coast of the United States and Hawaii:

- o The Coast Guard's law enforcement efforts are being emphasized in the Southern California area and the Hawaiian Islands. Liaison has been established in these areas with appropriate law enforcement agencies, local and Federal.
- o West Coast Coast Guard Districts including Hawaii, conduct patrols intermittently utilizing 82' and 95' boats and small patrol craft from local stations. The patrols monitor vessel traffic and conduct law enforcement boardings.
- o Airborne surveillance flights, similar to those conducted off the Southeast United States, are in the planning stage.

The Coast Guard also supports and participates in the El Paso Intelligence Center (EPIC), a multi-agency intelligence collection effort carried out under the auspices of the Drug Enforcement Administration (DEA).

Budget: 4,796 personnel and \$102,151,000

6. Marine Science and Polar Operations

Marine science activities, which include the International Ice Patrol, are carried out on a cooperative basis with other government agencies. Polar ice

operations are performed by specially constructed icebreakers or ice strengthened cutters which operate in support of Coast Guard programs as well as to meet the requirements of other agencies, and in the facilitation of commerce.

The overall purpose of this program is to facilitate U.S. maritime transportation, scientific research, and other activities in the national interest. This is accomplished by providing icebreaking service on icebound domestic waters and in polar regions of interest to the United States, and by providing assistance to other governmental agencies in the prevention of flooding caused by ice accumulation.

Budget: 3,625 personnel and \$76,613,000

7. Military Readiness - The Coast Guard operates as a service in the Navy in time of war or national emergency at the direction of the President. During peacetime, an effective state of military preparedness is maintained through individual and unit training, by joint naval training exercises, and by Coast Guard single and multi-ship operations. The objective of this program is to maintain the Coast Guard as an effective and ready armed force prepared for and immediately responsive to any assigned task in time of peace, war, or national emergency.

Budget: 1,970 personnel and \$41,043,000

Bureau of Consular
Affairs

F

BUREAU OF CONSULAR AFFAIRS

I. ORGANIZATION

Bureau of Consular Affairs (CA)

Department of State

Mission: The Department of State through the Bureau of Consular Affairs enforces provisions of the Immigration and Nationality Act relating to the issuance of visas, except those powers, duties, and functions conferred by law directly upon consular officers; administers the issuance of passports and related services; and coordinates a variety of activities and services related to the location, welfare, protection, and repatriation of U.S. citizens abroad. The Consular Officers, as individual quasi-adjudicative officers of the United States are not subject to the control of the Department of State as to determination of facts. Consular officers issue visas to approximately 4,000,000 non-immigrants per year.

Budget: FY - 78: Approximately \$59,500,000 for all consular activities

Note: Approximately \$37,400,000 on visa issuance work¹

Personnel: FY - 78: Approximately 3,270 positions for all consular activities

Note: Approximately 1,703 positions for visa issuance work¹

II. BACKGROUND

America's first envoys, chosen by the Continental Congress, were sent to Europe to perform all foreign service functions. However, they found that their commercial and consular activities interfered with diplomatic duties and solicited

¹Approximately 25 positions and \$500,000 are for policy direction of visa issuance.

Congress to appoint American Consuls. The Treaty of Amity and Commerce on February 6, 1778 with France provided for the mutual exchange of consular representatives.

The American Consular function was separated formally from the diplomatic function and further defined by the Act of April 14, 1792, which also prescribed fees to be collected. Duties listed were almost entirely concerned with the protection of American citizens abroad. Since there was no interchange between the Diplomatic and Consular Services, Consul General was the highest position one could aspire to. The Rogers Act of 1924 sought to remedy this situation. The separate Diplomatic and Consular Services were merged into an integrated Foreign Service. The growth of American commercial activity and the limited role of the new Foreign Service Corps resulted in the proliferation of other Executive agencies operating overseas. Further, after World War II, more agencies of the Executive Branch, for varying reasons, received Congressional authority to operate abroad. While the Foreign Service gradually absorbed many of these responsibilities, a number of Executive agencies still have an overseas presence.

The responsibility for issuing visas to certain aliens was first placed by Congress on consular officers in an Act of 1884. In 1917, during the first World War, a general requirement that all aliens seeking to enter the United States obtain visas was instituted and has continued since that time under successive immigration laws.

The process for issuing visas, which involves duplicate examinations by State and INS personnel, has been criticized repeatedly. The Hoover Commission (1949); the President's Commission on Immigration and Naturalization (1953), and the Commission on Government Security (1957) have all called for merging the visa function with other immigration functions in one agency.

Although visa issuance work is the largest single activity of the Bureau, other responsibilities have taken on increasing importance in recent years. A large, traveling American public is demanding more and more services abroad. One example involves the particularly sensitive area of Americans incarcerated in foreign prisons.

III. PROGRAMS

A. Visa Office (VO)

Administers laws and develops recommendations concerning regulations, policies, and programs governing visa issuance to aliens of any category seeking to enter the United States. Formulates administrative procedures and establishes standard requirements and practices for the administration of immigration laws to the extent that the Department and its officers abroad are concerned with the control of travel of aliens. Coordinates and provides substantive and technical direction to the work of the Foreign Service in this functional area. Maintains liaison with the Immigration and Naturalization Service with the view to assuring uniform interpretation and implementation of the provisions of the Immigration and Nationality Act. Collaborates with the Foreign Service Institute in training Foreign Service officers in visa work.

1. Advisory Opinions Division

Renders advisory opinions and decisions regarding cases within the Department's responsibilities under the immigration law, other than cases involving national interest and international affairs.

Personnel: 16

2. Coordination Division

Issues and revalidates such nonimmigrant visas as are authorized by regulation for issuance or revalidation in the United States. Joins with the Immigration and Naturalization Service in granting documentary waivers for nonimmigrants who are foreign government officials or international organization aliens. Is responsible for the implementation of the departure control regulations relating to aliens. Coordinates with the Immigration and Naturalization Service on cases of adjustments of status and extensions of stay and deportation cases involving foreign policy considerations.

Personnel 11

3. Field Operations Division

Develops plans and establishes standard practices and procedures for improved efficiency in visa operations abroad and otherwise conducts necessary field supervision activities. Determines nonimmigrant visa fees, and term of validity on basis of reciprocity. Initiates investigation of frauds and irregularities in visa procurement. Administers the immigrant visa control system of the United States.

Personnel: 21

4. Public Services Division

Answers all inquiries on established visa policies, practices, procedures, and regulations in relation to problems arising in specific areas.

Personnel: 25

5. Regulations and Legislation Division

Prepares all visa regulations for publication and general instructions interpreting the immigration laws, including the codification in Volume 9, Visas, Foreign Affairs Manual. Conducts special studies and submits recommendations on problems that involve coordination with other agencies and interpretation of laws and regulations in connection with such matters as proposed special visa programs. Analyzes and prepares reports on Private immigration bills in connection with legislative relief from certain provisions of the immigration laws.

Personnel: 8

6. Administration Division

Provides administrative, budgetary, and management services for the Visa Office, including personnel administration. Provides statistical data relating

to visa activities for management, publication, and budget. Maintains the Department's centralized files and records pertaining to visa cases and other immigration matters.

Personnel: 23

B. Passport Office

Administers laws, and plans, formulates and recommends regulations and policies relating to nationality and the conduct of all passport activities including protection, documentation, and control of travel of United States nationals.

Personnel: 586

1. Domestic Operations Division

Formulates, coordinates, and implements policies, practices, and procedures regarding diplomatic, official, and "no fee" passports and the general issue of passports within the United States, Guam, Puerto Rico, Virgin Islands, and American Samoa. Examines passport applications originating in the United States and determines if applications are supported by evidence of citizenship, are properly executed, and if applicants are eligible to receive passports in accordance with existing laws, regulations, and policies.

2. Foreign Operations Division

Provides direction to the activities of the Foreign Service in the effective application and administration of the laws and regulations governing the nationality status of persons abroad who purport to be U.S. nationals, and governing passport issuance and related services. Administratively adjudicates cases involving claimants to U.S. nationality originating at Foreign Service posts in accordance with the terms of section 104(a)(3) and other provisions of the Immigration and Nationality Act and other pertinent laws and regulations.

3. Legal Division

Under the general direction of the Legal Adviser of the Department, provides legal advice to the Passport Office. Administers the citizenship and passport regulations as they relate to the denial or limitation of passport facilities. Develops and recommends policies and administers programs designed to insure the integrity of U.S. passports, including the prevention, detection, and elimination of fraudulent practices regarding U.S. passports.

C. Office of Special Consular Services (SCS)

The SCS oversees the provision of a variety of services to Americans abroad. These include: emergency help, protection, claims, death, judicial, liaison and legal representation.

Personnel: 40

Bureau of Human Rights
and Humanitarian Affairs

G

BUREAU OF HUMAN RIGHTS AND
HUMANITARIAN AFFAIRS

I. ORGANIZATION

Bureau of Human Rights and Humanitarian Affairs,
Department of State

Mission: Operating worldwide refugee and migration programs; pursuing concerns of prisoners of war and persons missing in action; and advising the Department on matters relating to human rights in the conduct of our foreign policy.

Budget: FY - 78: \$63,089,000 for refugee programs

Personnel: FY - 78: 40 positions for refugees

II. BACKGROUND

In 1975, the Department of State established the position of Coordinator for Humanitarian Affairs within the Office of the Deputy Secretary of State.

PL 94-329, enacted in 1976, established a Coordinator for Human Rights and Humanitarian Affairs in the Department of State. Section 502B of this law directed the Secretary of State, acting through the new Coordinator, to promote the enhancement of human rights as a fundamental foreign policy objective. The Coordinator's responsibilities under Section 502B are to advise the Secretary on Human Rights and Humanitarian Affairs including matters relating to refugees, prisoners of war, and members of the U.S. Armed Forces missing in action. PL 95-105, enacted in 1977, raised these activities to bureau status.

The new bureau is charged with the following specific responsibilities in the human rights area:

"(A) gathering detailed information regarding humanitarian affairs and the observance of and respect for internationally recognized human rights in each country to which requirements of the Act are relevant:

"(B) preparing the statements and reports to Congress;

"(C) making recommendations to the Secretary of State and the Administrator of the Agency for International Development and regarding compliance with Sections 116 and 502B of the Act; and

"(D) performing other responsibilities which serve to promote increased observance of internationally recognized human rights by all countries".

III. PROGRAMS

A. Office of Human Rights

This office oversees and carries out a wide range of activities relating to human rights' aspects of foreign policy. Among the activities are: advising on arms transfer policies, security assistance, and international financial assistance; working with international amnesty groups and the like; leading consultations with countries identified as major violators of human rights; and conducting educational and cultural programs to inform our citizenry and world public opinion of human rights matters.

B. Office of Refugees and Migration Affairs (ORM)

Although this Bureau assesses worldwide refugee situations and makes recommendations on individual cases, final authority for the admission of refugees rests with the Attorney General and his exercise of the conditional entrant and parolee provisions of the I&N Act.

Over the years ORM has been attached to various entities in the Department -- the former Bureau of Security and Consular Affairs and, starting in 1966, the Office of the Special Assistant to the Secretary for Refugee and Migration Affairs. Making ORM a major component of the Human Rights and Humanitarian Affairs Bureau now gives due recognition to a subject in which the United States has a major and continuing involvement.

Because it was an already existing office, ORM has undergone less dramatic structural changes than the new human rights office. The number of positions remains at 40, including support personnel, some of which, particularly on the administrative side, continue to do double duty for the Bureau.

During the past year ORM's major activities have included the Indochina refugee program, assistance to refugees in Latin America, new programs for African refugees, and participation in regular and special meetings of the major refugee organizations.

To achieve our objectives in the area of refugees, existing resources and machinery must be marshalled and new ones created. Obtaining the necessary financial resources and keeping the machinery viable is a primary function of Human Rights and Humanitarian Affairs. The existing machinery is largely of U.S. design and is compatible with essential U.S. interests. In specific terms, it consists of the private American and international voluntary agencies, the United Nations High Commissioner for Refugees (UNHCR), the Intergovernmental Committee for European Migration (ICEM), and the International Committee of the Red Cross (ICRC). The voluntary agencies deal with individual refugees, providing counseling, care and maintenance, and resettlement assistance. The UNHCR provides for legal protection and interim care (sometimes through the voluntary agencies) and promotes permanent solutions for refugee problems through resettlement, repatriation or integration. ICEM's principal function is to provide low cost transportation and related resettlement services for the refugee migrants. The politically neutral ICRC provides relief in conflict situations and promotes the rights of political detainees and prisoners of war.

In 1977, some 60,000 refugees were resettled with the help of the voluntary agencies and ICEM. Over 80 governments contribute to the UNHCR's program, 35 governments contribute to ICEM, and over 80 support the ICRC.

In meeting its responsibilities in the area of Refugees and Migration, the Human Rights and Humanitarian Affairs Bureau, in cooperation with the regional bureaus, Consular Affairs and the Office of Legal Affairs, maintains close contact with our diplomatic posts in refugee problem areas, and cooperates closely with the U.S. Immigration and Naturalization Service, (INS).

C. Prisoners of War and Missing in Action

The third component of the Bureau responds to the Administration's and the Congress' continuing concern that all possible actions be taken on behalf of prisoners of war and Americans missing in action. This responsibility previously was handled in the Department by a Special Assistant to the Deputy Secretary, and it too has been integrated successfully with the human rights and humanitarian concerns. The Deputy Assistant Secretary responsible for this area participated in the diplomatic conference sponsored by the Swiss Government in Geneva in 1977 which completed a new protocol to the 1949 Geneva Conventions on the protection of war victims. A new section in that Protocol for the first time prescribes specific responsibilities for governments in accounting for the dead and missing in armed conflicts.

~~CONFIDENTIAL~~

THE WHITE HOUSE

WASHINGTON

~~CONFIDENTIAL~~ - GDS

May 26, 1978

ACTION

MEMORANDUM FOR: THE PRESIDENT
FROM: DAVID AARON *DA*
SUBJECT: Visa and Refugee Policy Reorganization

I strongly agree with Cy's assessment, laid out in the attached memorandum (Tab A), that transferring visa and refugee matters from State to Justice would be a very serious mistake. Both of these issues are humanitarian concerns and as such are central elements of our human rights policy which, as you are fully aware, is among the most sensitive of all foreign policy issues, both in conception and execution.

RECOMMENDATION

That you approve Cy's recommendation that visa and refugee affairs not be transferred to the Department of Justice.

Approve _____ Disapprove _____

~~CONFIDENTIAL~~ - GDS*Jo 9/4/90*
~~CONFIDENTIAL~~

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THE SECRETARY OF STATE
WASHINGTON

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May 22, 1978

MEMORANDUM FOR: THE PRESIDENT

FROM: Cyrus Vance *CV*

SUBJECT: Proposed Transfer of Visa and Refugee
Policy Functions to the Department of Justice

As we discussed briefly at breakfast on Friday, the OMB Reorganization Project staff has prepared a draft Border Management and Law Enforcement Reorganization plan which proposes to transfer policy-making functions relating to visa and refugee matters from the Department of State to the Department of Justice.

I do not approach the transfer issue from the standpoint of preserving the Department's prerogatives or protecting its bureaucratic territory. Rather, it seems to me that the relevant question is: Are there foreign policy considerations which must be taken into account in formulating visa and refugee policy which make it imperative that the policy-making function be retained by the Department of State? I believe the answer is yes.

Visa policy involves such foreign policy issues as, for example, the Administration's support for freedom of international travel, compliance with Basket III of the Helsinki Final Act (CSCE) and the admission and proposed activities in the United States of representatives of the Irish Revolutionary Army and the Palestine Liberation Organization. There are also significant foreign policy implications in the travel to the United States of residents of Rhodesia, Uganda, South Africa, Eastern Europe, the Soviet Union, and many other countries. Visa policy with respect to Mexico is at the center of our foreign policy discussion with that important and sensitive neighboring country. These examples of the inter-relationship between visa decisions and foreign policy show that it is essential that the State Department be able to bring to bear the broad range of foreign policy considerations in formulating visa policy and acting on individual cases.

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Moreover, from an administrative standpoint, if the visa policy function was transferred to the Immigration and Naturalization Service of the Justice Department, this would mean policy formulation and execution would then be assigned to two separate Departments. This division of responsibility would complicate and weaken the administration of the visa function by our Embassies overseas.

On the issue of refugee policy, the reorganization proposal also recommends that the Justice Department assume a more significant "control role." Here again, however, I believe that our refugee policy has overriding foreign policy implications. Protecting refugees through the application of international refugee conventions, providing for their resettlement in third countries, and securing international financial support to sustain them are important objectives of our foreign policy. The Vice President's recent trip to East Asia highlighted the severity of the global refugee problem. In addition, questions of asylum almost always have foreign policy ramifications.

In our view, visa issuance and refugee administration are not exclusively or even primarily matters of "border management" or "law enforcement." They are foreign affairs activities, directly tied to America's relations and contacts with other nations and peoples. They represent an important reflection of our commitment to human rights. While they, of course, operate within a framework of law, so do most foreign relations functions. It would be a mistake to allow these essentially person-to-person and humanitarian activities to be portrayed domestically or internationally as essentially law enforcement problems.

Finally, our analysis of these proposals indicates that there is no assurance that they would result in significant cost savings. On the contrary, it is the view of Departmental experts that the reorganization proposal would result in major delays and administrative problems in the execution of the immigration and refugee function. In particular, we are skeptical about the ability of the Immigration and Naturalization Service to take on another major function, given its long-standing management problems, and skeptical about whether

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computer technology capabilities would permit the abandonment of the current "double check" system.

RECOMMENDATION:

I believe that the transfer of the Department's visa and refugee policy-making functions would be a serious mistake, and urge you to exclude them from the PRP Border Management Reorganization Proposal. I look forward to discussing this issue with you further should you so desire.

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THE WHITE HOUSE

WASHINGTON

DATE: 30 MAY 78

FOR ACTION: STU EIZENSTAT

FRANK MOORE (LES FRANCIS)

BOB LIPSHUTZ

JIM MCINTYRE

INFO ONLY: THE VICE PRESIDENT

ANNE WEXLER

RICHARD PETTIGREW

SUBJECT: CONFIDENTIAL AARON MEMO RE VISA AND REFUGEE POLICY
REORGANIZATION

~~CONFIDENTIAL~~

attachment in safe

+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +

+ BY: 1200 PM THURSDAY 01 JUN 78 +

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

DECLASSIFIED
E.O. 12356, SEC. 3.4(b)
WHITE HOUSE GUIDELINES, FEB. 24, 1993
BY Jay NARS, DATE 4/4/00

Handwritten notes:
- concerns
- in safe
- 1/13 - Tell me when you
have update
- 4/13 should be mid-day
to day (6/13). on
Toll
- 6/14 Per Tied Down,
McI memo will be in
by COB today
Attached
Being held in
Safe

WASHINGTON

DATE: 30 MAY 78

FOR ACTION: STU EIZENSTAT

BOB LIPSHUTZ

FRANK MOORE (LES FRANCIS)

JIM MCINTYRE

INFO ONLY: THE VICE PRESIDENT

JACK WATSON

ANNE WEXLER

RICHARD PETTIGREW

SUBJECT: CONFIDENTIAL AARON MEMO RE VISA AND REFUGEE POLICY
REORGANIZATION

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+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +
+ BY: 1200 PM THURSDAY 01 JUN 78 +
+++++

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: (✓) I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

From the viewpoint of both policy
implementation and efficiency of
operation, I concur with the recommendation
of Cy Vance and David Aaron.

CONFIDENTIAL

PJH

6/1/78

DECLASSIFIED
E.O. 12356, SEC. 3.4(b)
WHITE HOUSE GUIDELINES, FEB. 24, 1993
BY Jay NARS, DATE 7/4/10

WASHINGTON

DATE: 30 MAY 78

FOR ACTION: STU EIZENSTAT

BOB LIPSHUTZ

FRANK MOORE (LES FRANCIS)

JIM MCINTYRE

INFO ONLY: THE VICE PRESIDENT

JACK WATSON

ANNE WEXLER

RICHARD PETTIGREW

SUBJECT: CONFIDENTIAL AARON MEMO RE VISA AND REFUGEE POLICY
REORGANIZATION

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Note: No reply from us necessary.

+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +

+ BY: 1200 PM THURSDAY 01 JUN 78 +

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I CONCUR. () NO COMMENT. (✓) HOLD. *Rap*

PLEASE NOTE OTHER COMMENTS BELOW:

5/31/78

-- These anticipatory memoranda should be considered as a part of the review of the PRP Border Management study and should not be submitted to the President until the study itself is submitted to the President.

Rap
Richard A. Pettigrew
Assistant to the President
for Reorganization

DECLASSIFIED
E.O. 12356, SEC. 3.4(b)
WHITE HOUSE GUIDELINES, FEB. 24, 1963
BY *[Signature]* NARS, DATE *9/4/80*



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUN 14 1978

MEMORANDUM TO THE PRESIDENT

FROM: James T. McIntyre, Jr. *Jm*

SUBJECT: Reorganization Proposals Regarding Visa
and Refugee Function -- David Aaron's
Memorandum of May 26, 1978

Since being furnished a copy of Mr. Aaron's memorandum to you, I have discussed this matter with Secretary Vance. Secretary Vance has sent to me a memorandum setting forth, with some changes, the same basic points he stated to you in his memorandum of May 22.

On May 22, I requested that you withhold any decision concerning the matters raised by Secretary Vance with respect to reorganization of immigration functions until you had had a chance to study the reorganization project decision memorandum on the same and other matters.

On June 5, I forwarded to you the decision memorandum prepared by the reorganization project.

Attached to this memorandum is my most recent response to Secretary Vance, particularly addressing the major points raised in his memoranda to you and to me.

The recommendations in our decision memorandum with respect to visa functions are necessary to eliminate the waste and duplication now present in the visa/INS inspection system. Four million border inspections would be eliminated under the reorganization project proposal.

Attachment